

ACTS  
OF THE  
GENERAL ASSEMBLY OF ALABAMA,  
PASSED AT THE  
SESSION OF 1890-91,  
HELD IN THE  
CITY OF MONTGOMERY,  
COMMENCING  
TUESDAY, NOVEMBER 11, 1890,  
WITH A  
Separate Index to the General and Local Laws.

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THOS. G. JONES, GOVERNOR.  
A. C. HARGROVE, PRESIDENT OF SENATE.  
N. N. CLEMENTS, SPEAKER OF HOUSE.

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I, J. D. BARRON, Secretary of State of the State of Alabama, do hereby certify that this book, containing the Acts and Joint Resolutions passed at the session of the General Assembly of Alabama, is published by the authority of the State of Alabama.

J. D. BARRON, *Secretary of State.*

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MONTGOMERY, ALA.:  
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1891.



# L A W S.

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1]

AN ACT

H. 5

To relieve Minnie S. Parker, of Calhoun county, Alabama, a minor, of the disabilities of non-age.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Minnie S. Parker, of Calhoun county, Alabama, a minor, be and she is hereby relieved of the disabilities of non-age, and that she shall have the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which she could lawfully do if twenty-one years of age.

Relief from disabilities of non-age.

Approved November 24, 1890.

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2]

AN ACT

[H. 15

To make appropriations for the payment of sheriffs for feeding prisoners in jail for the year ending September 30th, 1889, and for the removal of prisoners during the year ending September 30th, 1890, the appropriations for the purposes named for said years having been exhausted.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of eight thousand dollars, or so much thereof, as may be necessary, be, and the same is hereby appropriated for the payment of sheriffs for feeding prisoners in jail during the year ending September 30th, 1889, to cover deficiencies in the appropriations for said year.

Appropriat'n

Appropriat'n  
 SEC. 2. *Be it further enacted*, That the sum of fifty-five hundred dollars or so much thereof, as may be necessary, be, and the same is hereby appropriated for the payment of sheriffs for removal of prisoners during the year ending September 30th, 1890, to cover deficiencies in the appropriations for said year.

Auditor; du-  
 ties of.  
 SEC. 3. *Be it further enacted*, That it shall be the duty of the auditor to examine carefully all accounts presented for payment for the feeding in jail, or removal of prisoners which accrued during the year ending September 30th, 1889, and September 30th, 1890, respectively, and if he finds them or any portion of them to be correct, to audit and allow such as he may find to be correct out of the funds appropriated in section 1 and 2 of this act, and draw his warrant in payment of the same.

Approved November 26, 1890.

3]

AN ACT

[H. 55

To provide for the election of the general administrator of Mobile county, and for filling vacancies therein.

Election of  
 gen'l adm'r.  
 SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the general administrator of Mobile county shall be elected by the qualified electors of Mobile county, at the general election on the first Monday in August, 1892, and every six years thereafter, in the same manner as other county officers are elected, whose term of office shall be six years, and until his successor is elected and qualified; and the governor of the State of Alabama shall fill said office by appointment whenever a vacancy occurs.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Approved November 29, 1890.

4]

## AN ACT

H. 30

To authorize the court of county commissioners of Etowah county to issue bonds of said county to an amount not exceeding seventy-five thousand dollars, for the purpose of securing the means to construct the court-house, and furnish the same with suitable furniture, and for the purpose of paying for building an addition to the jail for said county.

SECTION 1. *Be it enacted by the General Assembly of* Alabama, That in order to procure the means to construct the court-house, and furnish the same with suitable furniture, and for the purpose of paying for building an addition to the jail for said county of Etowah, the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county to the amount of seventy-five thousand dollars, or as much thereof as they may deem necessary for the purposes aforesaid, and payable thirty years from the date of issuance, with coupons attached, bearing interest at the rate of six per cent. per annum, and receivable in payment of all county taxes. County bonds.

SEC. 2. *Be it further enacted,* That the bonds and coupons issued under the provisions of this act may be made payable at such place as the court of county commissioners may direct, and shall be negotiable; and may be issued in such sum or sums as said court of county commissioners may deem best.

SEC. 3. *Be it further enacted,* That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the county treasurer, and countersigned by the judge of probate, with the seal of his office affixed thereon; and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act. Duties of treasurer and judge of probate.

SEC. 4. *Be it further enacted,* That the bonds issued in accordance with this act shall be exempt from county and city taxes in the said county of Etowah.

SEC. 5. *Be it further enacted,* That the commissioners court of said county are hereby authorized, by a majority vote, to do any and all things authorized under the provisions of this act, which may be neces- Commiss'rs court; duties of.

sary to carry out the powers granted by this act, either through themselves or any agent or agents duly appointed by them for that purpose, at any term of said court, whether regular or special, and if done at a special term of said court, its proceedings shall be valid, to all intents and purposes, as if done at a regular term, and no technical informality, irregularity, neglect or omission in the proceedings or records of said court shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 6. *Be it further enacted*, That in order to meet the interest upon said bonds as it falls due, and the principal at maturity, the said court of county commissioners are hereby authorized and required, when necessary, to levy a special tax from time to time upon all properties, licenses and business subject to a State tax under the revenue laws of this State, situated and located within the limits of said county.

Approved November 29, 1890.

5]

AN ACT

[H. 35]

To amend section 1434 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1434 of the code be amended so as to read as follows: 1434. The right of way is granted to any person or corporation having the right to construct telegraph or telephone lines within this State, to construct them along the margin of public highways.

Approved November 29, 1890.

6]

AN ACT

[H. 76]

To amend section 4816, (Vol. II), Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4816, (Vol. II) of the code of

Alabama, be an the same is hereby amended so as to read as follows: 4816 (1488). *Inquisition upon alleged insane prisoners; further proceedings; expenses.*—If any person in confinement under indictment, or want of bail for good behavior, or for keeping the peace, or appearing as a witness, or in consequence of any summary conviction, or by an order of any justice, appears to be insane, the judge of the circuit court of the county where he is confined, or the judge of probate of said county, must institute a careful investigation, call a respectable physician and other credible witnesses, and, if he deems it necessary, may call a jury, and for that purpose he is empowered to compel attendance of witnesses and jurors; and if it be satisfactorily proved that the person is insane, the judge may discharge him from imprisonment and order his safe custody and removal to the hospital, where he must remain until restored to his right mind, and then if the judge shall have so directed, the superintendent must inform the judge and sheriff, whereupon the person must be remanded to prison and criminal proceedings be resumed, or he be otherwise discharged. The provisions of the preceding section, requiring the State to defray the expenses of a patient sent to the hospital shall be equally applicable to similar expenses arising under this and the following section.

Insane prisoners.

Approved December 2, 1890.

7]

AN ACT

[H. 100

To legalize the marriage of James A. Tindell and Winnie O. Tindell, the widow of Samuel Tindell, now deceased, the uncle of said James A. Tindell of Dale county Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the marriage of James A. Tindell and Winnie O. Tindell, contracted and solemnized on the 20th day of December, 1888, and solemnized by a minister of the gospel, be, and the same is hereby declared

Marriage legalized

legal and of the same force and effect, as if the said James A. Tindell had not been related to Samuel Tindell, deceased.

SEC. 2. *Be it further enacted*, That all children born unto said parties, as the issue of said marriage, be, and the same are hereby declared to be legitimate and capable of inheriting the property of said James A. Tindell.

Approved November 29th, 1890.

8]

AN ACT

[H. 108

To fill the vacancy caused by the death of John Swan, one of the trustees under the act approved February 23, 1876.

WHEREAS, under and by virtue of the provisions of an act approved February 23, 1876, John Swan was appointed by the bondholders, and John A. Billups was appointed by the governor, as trustees in that behalf; and

WHEREAS, in pursuance of the provisions of said act, George S. Houston, as governor of Alabama, did, by deed of date February 8th, 1877, convey to said John Swan and John A. Billups, as such trustees, the property therein described; and

WHEREAS, by an act approved February 20, 1883, the general assembly declared that the said John A. Billups and John Swan as such trustees, entitled to certain lands therein described; and

WHEREAS, the said John Swan has departed this life without fully discharging said trust; Now, therefore,

*Be it enacted by the General Assembly of Alabama*, That Frank Y. Anderson, of Birmingham, Alabama, be and he is hereby declared and appointed trustee in this behalf in the place of said John Swan, deceased.

*Be it further enacted*, That the said John A. Billups and Frank Y. Anderson be and they are hereby authorized and empowered to perform all acts, execute all powers, carry out all contracts made by said John Swan and John A. Billups as such trustees, sue and be

Trustee vacancy filled.

Authority to trustees.



sued, and manage said trust estate in the same and as ample a manner as the said John Swan and John A. Billups might have done in the life time of said Swan.

*Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved November 29, 1890.

9]

AN ACT

[s. 21

To dispose of the fine and forfeiture fund in Mobile county, and to provide for the payment of all claims which are by law a charge against said fund.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all of the fund now known as the fine and forfeiture fund in Mobile county, which is now on hand, or which may hereafter be collected, shall be covered and paid into the county treasury of Mobile county, and be used and treated in all respects as the funds of Mobile county. Disposition  
of fund.

SEC. 2. *Be it further enacted*, That all claims now existing, or which may hereafter accrue, that are by law charges against the fine and forfeiture fund of Mobile county shall be paid out of the treasury of Mobile county. Claims.

SEC. 3. *Be it further enacted*, That all claims which now exist and outstanding against said fine and forfeiture fund in Mobile county, shall be paid only when there shall be a surplus in the county treasury, arising from said fund, after the payment out of the moneys coming from said fund, of the claims hereafter accruing which are by law chargeable against said fund, except the salary of the judge of the city court of Mobile. When there shall be a surplus in the county treasury of moneys coming from said fund, as above provided, then said claims, which are now outstanding against said fund, shall be paid in the order of their priority of registration, as a claim against said fund, out of such surplus as may arise from time to time, until all such claims now outstanding shall be Order of  
payment.



paid, in the following order, to-wit: *First*, The witness certificates which have not been transferred, but are still owned by the person to whom issued. *Second*, The fees of the sheriff of Mobile county, clerk of the city court, and clerk of the circuit court of Mobile county. *Third*, The witness certificates in the hands of persons other than the persons to whom issued.

Duty of  
county  
treasurer.

SEC. 4. *Be it further enacted*, That it shall be the duty of the county treasurer of Mobile county, to keep a separate account of all moneys arising from said fine and forfeiture fund, and all moneys paid out on account of claims hereafter accruing, which are now by law chargeable against said fund, except the salary of the judge of the city court of Mobile. So as to be able at any time to ascertain when there is a surplus in the county treasury of moneys arising from said fine and forfeiture fund, until all the claims now outstanding against said fund shall have been paid out of such surplus, as provided in section 3 of this act.

Claims to be  
registered.

SEC. 5. *Be it further enacted*, That all claims which are now outstanding against said fine and forfeiture fund in Mobile county shall be registered as a claim against said fund within three months of the passage of this act, or they shall lose their priority of payment.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved December 3, 1890.

10]

AN ACT

[s. 22

To provide for the compensation of State witnesses in Mobile county.

Witnesses in  
criminal ca-  
ses; compen-  
sation of.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, all witnesses subpoenaed on part of the State in any criminal case, to appear before the grand jury, or the city court of Mobile, are allowed compensation, as follows, to-wit: If the witness resides more than two

miles from the court-house of Mobile county, he shall be entitled to one dollar and fifty cents for each days attendance, and five cents for each mile to and from his residence by the usual traveled route, such mileage to be allowed only for but once going and once returning. If the witness does not reside more than two miles from the court-house of Mobile county, he shall be entitled to one dollar for each days attendance, and to nothing more. The fact of residence of more than two miles from the court-house, and the mileage, shall be proved by the oath of the witness before the clerk of the court, or when subpoenaed before the grand jury, then before the foreman of the grand jury. The clerk of the court or the foreman of the grand jury, as the case may be, shall in all cases give to each witness a certificate showing therein the number of days he has attended, and if he is entitled to mileage the number of miles he has traveled, and the amount of compensation to which he is entitled, which certificate shall be payable out of the county treasury; *Provided*, that the clerk of the court, or the foreman of the grand jury, as the case may be, shall not issue any certificate allowing mileage or more than one dollar for each days attendance, unless the witness claiming the same shall make oath before the clerk of the court, or the foreman of the grand jury, as the case may be, to the effect that he resides more than two miles from the court-house, and the mileage to which he is entitled.

How paid.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 3rd, 1890.

11]

AN ACT

H. 27

To repeal an act entitled an act to amend section 3945, of the code of Alabama, so far as the same applies to the counties of Lowndes, Dallas, Perry, Hale and Wilcox.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to amend sec-

tion 3945 of the code of Alabama, so far as the same Act repealed. applies to the counties of Lowndes, Dallas, Hale, Perry and Wilcox, approved December 9, 1888, be and the same is hereby repealed.

Approved December 2, 1890.

12]

AN ACT

[H. 10

To repeal an act entitled an act for the preservation of game animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington, so far as the same relates to the county of Covington.

Game law repealed as to Covington county.

SECTION. 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act for the preservation of game animals and birds, in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington be and the same is hereby repealed so far as the same relates to the county of Covington.

Approved December 2, 1890.

13]

AN ACT

[H. 28

To provide for the election of the four county commissioners of Etowah county by the qualified voters of said county and to prescribe the term of office of said commissioners.

Election of commis'rs of Etowah co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That at the general election in August, 1892, there shall be elected one county commissioner of Etowah county for each of the four commissioners districts of said county and that the commissioners elected at said election for districts numbered two (2) and four (4) shall be elected for two years, and those elected at said election for districts numbered one (1) and three (3) shall be elected for four years, and

thereafter the commissioners for said districts numbered two and four shall be elected at the general election in August, 1894, and every fourth year thereafter, and the commissioners for districts numbered one and three shall be elected at the general election in August, 1896, and every fourth year thereafter.

SEC. 2. *Be it further enacted*, That the commissioners elected under the provisions of this act shall be elected by the qualified voters of the county, and each commissioner must at the time of his election, and while he holds such office, be a qualified elector of the district for which he is elected.

Must reside  
in district.

SEC. 3. *Be it further enacted*, That the territory in any one or more of said districts as now laid off and bounded may be increased altered or diminished by the court of county commissioners of said county by order entered on the minutes as any regular term thereof, the full board, with the judge of probate concurring therein.

How district  
may be  
changed.

SEC. 4. *Be it further enacted*, That all laws contravening the provisions of this act be and same are hereby repealed.

Approved December 2, 1890.

14]

AN ACT

[H. 45

An act to incorporate the Birmingham and Little River Coal Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That C. A. Mountjoy, E. W. Rucker and D. M. Fulenwider, and their associates, be and they are hereby constituted and created a body corporate, under the name and style of the Birmingham and Little River Coal Company, and by that name may sue and be sued, plead and be impleaded, make and have a common seal, and break, alter or renew the same at pleasure; shall have continual succession, may contract and be contracted with, borrow money and execute notes, bonds or bills therefor, and shall have and exercise all the rights, privileges, powers and fran-

Name.

Rights,  
powers, etc

chises in and by this act hereinafter conferred and granted, and as or may be necessary to carry out and effect the purposes of its incorporation; and that said corporation may issue common and preferred stock.

Capital stock

SEC. 2. *Be it further enacted*, That the capital stock of said corporation is hereby fixed at the sum of one hundred thousand dollars; but the said corporation, by a vote of its stockholders, shall have the right and power, at any time after its organization, to increase its capital stock from time to time, as by its stockholders it may be determined and deemed essential for the uses and purposes of its incorporation; *Provided*, that the capital stock shall not be increased to an amount exceeding five million dollars.

Vote of stockholders.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of the par value of one hundred dollars, and in all meetings or conventions of the stockholders, each stockholder shall be entitled, either in person or by proxy, to cast one vote for each share of stock held or owned by him, and executors and administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards.

Subscriptions to stock

SEC. 4. *Be it further enacted*, That the persons named as incorporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place, in the State of Alabama, as they shall designate or appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said corporation, payable in such manner and at such times as may be determined and agreed on by and between them, and the party or parties who may desire and propose to take stock in said corporation, which business may be transacted or completed at subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting. The subscriptions to said stock may be made payable in money or property, real or personal, or rights or franchises, as may be expressed in the contract therefor; and if made payable in property, at such value as

may be agreed on by and between the subscribers, and if subscribed for before the corporation is organized, the said corporators, or a majority of them, or, if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscriptions for stock made or taken upon any increase of the capital stock of said corporation after its original organization as well as at the time of its organization, or in payment of subscriptions, for the original amount of capital stock in the second section of this act named.

SEC. 5. *Be it further enacted*, That when as much as one hundred thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said corporation, then, at such time and place as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation, by the election of a board of directors, to consist of not less than five nor more than ten members, who shall be selected from the subscribers to the stock, and thereupon the directors so elected, or a majority of them, shall elect either from their number or from the stockholders of said corporation, as they may think best, a president, and they shall also elect a secretary and treasurer of said corporation, or they may elect one person as secretary and treasurer; and the election of such directors, and by them of a president and secretary and treasurer, shall constitute the organization of said corporation. The directors, president, secretary and treasurer, so elected, shall continue in office until their successors are elected, and shall qualify; the election of the successors of the directors to be at a subsequent convention of the stockholders, the time and place of holding which may be fixed or designated by a by-law of said corporation, which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

SEC. 6. *Be it further enacted*, That the purpose and object of said corporation shall be and is to mine coal, and to sell the same, and to manufacture coal into

Organization

Election of directors.

Election of other officers.

Purposes and object.



Rights of  
way.

coke, and that said corporation shall have authority and power to buy, mine and sell coal, and to produce, manufacture, buy and sell coke, and to buy and sell or lease; to acquire, hold and possess all such coal lands, mineral rights in coal lands, timber rights, and other property, real or personal, easements and franchises, and to purchase, construct and operate all such railroads, tramways, buildings and structures as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner, and to lay out, construct, purchase and use all such tramways, railways, or other roads or ways, as may be needful and convenient for the transportation of its coal, coke, products, materials and other things that may be required in its business; *Provided*, that the said corporation, before constructing any such tramways, railways, or other roads or ways, shall lawfully acquire the right of way therefor, and to that end, and for that purpose, may use and exercise the right of *ad quod damnum*, and institute and prosecute all such proceedings necessary thereto, upon the same terms and in the same way as is prescribed by the code of Alabama.

Location of  
offices.

SEC. 7. *Be it further enacted*, That the business of said corporation may be carried on in the counties of Jefferson and Walker, and that said corporation shall have its principal office or place of business in Birmingham, in Jefferson county; and that said corporation may also have an office or place of business, with an agent or other employee, in the city of New York, for the purpose of there transferring the stock of said company, and otherwise registering its acts and contracts, as may be deemed essential.

May issue  
bonds.

SEC. 8. *Be it further enacted*, That said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation, under and in accordance with section five of this act, or at any subsequent meeting of said stockholders, duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby given to it, to execute and issue its bonds for



such sums and in such amounts and payable at such time or times as the said stockholders may determine, and bearing such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby authorized and empowered to execute, in its corporate name, a mortgage or deed of trust upon all of its property and franchises, or such part thereof as the said stockholders may deem proper, such bonds and mortgage, or deed of trust, to be signed and countersigned by the president and secretary, under the seal of said corporation; and the said corporation is hereby authorized and empowered to sell and dispose of its said bonds for the purpose of raising money, or for the purchase of property, or for any other purposes necessary to said corporation, as the directors may think best, on such terms as the said board of directors may deem best for the company.

SEC. 9. *Be it further enacted*, That there shall be annual meetings or conventions of the stockholders of said corporation, at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors, and for the transaction of such other business relating to the interest of the corporation, as such stockholders, when so assembled, may deem necessary or proper; of the time and place of holding such conventions, such notice shall be given to the stockholders as may be prescribed by by-law or otherwise, or as may be directed by the board of directors, on omission of the stockholders to prescribe: but no omission or failure to hold any such convention within the time prescribed, shall have the effect to cause a dissolution of such corporation, or the forfeiture of any of its rights, privileges, powers or franchises. It shall require a representation of as much as three-fifths of the stock held or owned in said corporation, by the stockholders in person or by proxy, to form a convention competent to transact business binding on the corporation or its stockholders. After the organization of the corporation, the number of the directors shall continue as provided in the fifth section of this act, until otherwise provided by said corporation, which

Stockholders  
meetings.

shall have the power to increase or diminish the number as to it shall seem best. A majority of the board of directors shall constitute a quorum for the transaction of any business, which they are or may be authorized to transact. Said corporation, acting by its stockholders in convention, shall have the power to enact or ordain all such rules and by-laws not contrary to the constitution and laws of this State, of the United States, as may be deemed needful and proper for the management and conduct of its affairs and business, and for the transfer of stock by its stockholders.

Increase of  
stock.

SEC. 10. *Be it further enacted*, That after the organization of said corporation, by and with the consent of the persons holding the larger amount in value of its stock first obtained at a meeting of the stockholders convened for the purpose of voting upon the proposition, to be held after thirty days notice given in pursuance of law, the said corporation shall have the right to increase its capital stock, and to take and receive additional subscriptions to its capital stock, and in doing so, may, if it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in property, real or personal, or rights or franchises, as subscriptions to its original stock are payable, as provided in this act; and may take and receive such subscriptions in the same manner from either individuals or corporations, engaged in the business of mining, or producing, or manufacturing iron or steel, or coal, or any of these products, and may take and receive proper conveyance for such property in payment for such subscriptions.

Agencies.

SEC. 11. *Be it further enacted*, That the said corporation is authorized to constitute and continue an agency or agencies outside of the state, for the transfer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Approved December, 1890.

15]

## AN ACT

[H. 169

To provide for the disposition of the volumes of Smith's Condensed Reports now in the possession of the Secretary of State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That of the volumes of Smith's condensed reports now in the possession of the secretary of state, he shall retain ten copies of each volume, and may sell the remainder at the price of one dollar and a half per copy. *Provided*, That not more than one copy of any one volume shall be sold to any one person. Smith's Reports can be sold for \$1 50 each

SEC. 2. *Be it further enacted*, That the money arising from such sales shall be applied under the direction of the chief justice to the purchase of books for the library of the supreme court. Money applied to supreme court library.

SEC. 3. *Be it further enacted*, That before the secretary of state shall sell any of said reports he shall give notice for ten days of the particular volumes for sale, and the price thereof, by publication in newspapers published in the cities of Montgomery, Mobile, Birmingham and Selma, respectively. To be advertised.

Approved July 3, 1890.

16]

## AN ACT

[H. 114

To change and define the corporate limits of Courtland, Alabama, and amending section one of an act entitled an "act to incorporate the town of Courtland in the county of Lawrence," approved December 16th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to incorporate the town of Courtland in the county of Lawrence approved on the 16th day of December, 1873, be amended as follows, to-wit: The corporate limits of said town shall be as follows: Beginning at the southwest corner of lot No. 333 in said town, thence north on a straight line to the northwest corner of lot No. 297, Courtland; boundaries of

thence east on a straight line to the northeast corner of lot No. 294, thence south on a straight line to the southeast corner of lot No. 287, thence west on a straight line to the initial point; the area contained being exactly co-extensive with the platted lots of said town according to the original survey thereof.

Approved December 2, 1890.

17]

## AN ACT

[H. 105

To amend section 5 of an act entitled an act to create the office of county solicitor for the county of Hale, to provide for the appointment of such county solicitor and to prescribe his powers and duties. Approved February 28, 1889.

County so-  
licitor of  
Hale.

Compensat'n

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 5 of an act entitled an act to create the office of county solicitor for the county of Hale, to provide for the appointment of such solicitor and to prescribe his powers and duties, approved February 28th, 1889, be, and the same is hereby amended so as to read: That such county solicitor shall receive for such services seven hundred and fifty dollars per annum out of the fees assessed in said county court, and paid in the county treasury, but in no case shall he receive more than the fees so assessed and collected.

SEC. 2. *Be it further enacted by the General Assembly of Alabama*, That this shall go into effect immediately from and after its passage.

Approved December 2, 1890.

18]

## AN ACT

H. 136

To incorporate the Confederate Association of Alabama.

Corporators

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Edmund W. Pettus, president; Joseph F. Johnston, and Samuel Blackwell, vice-presi-

dents; L. S. Handley, chaplain; F. S. Ferguson, secretary; R. E. Jones, corresponding secretary; B. F. Roden, treasurer; and T. T. Roche, J. T. Holtzclaw, E. Troupe Randle, W. E. Wailes, R. H. Pratt, J. McKee Gould, W. T. Smith, and Richard O. Pickett, members of the board of control, the present officers of the Confederate Association of Alabama, and their associates, be and they are hereby incorporated by the name of "The Confederate Association of Alabama;" and by that name may sue and be sued; shall have a corporate existence without limitation as to time; and may take, own and hold property, real and personal, by purchase, gift or devise.

Name of corporation.

SEC. 2. *Be it further enacted*, That the objects and purposes of said corporation are: To collect and secure funds and property, by voluntary gift or donation, by dues from the members of said corporation, and by contribution from the people; to take care of and aid and assist such confederate soldiers and sailors, and their widows, and children, as may be worthy, and may need such care, aid and assistance; to perpetuate and protect the memories of honorable and true confederate soldiers and sailors, dead or living; and to aid in preserving a true history of the war between the states, and to honor true heroism in every rank and in both armies in that war, and to that end to promote friendly relations between the soldiers and sailors of both armies, but only on equal terms

Objects and purposes.

SEC. 3. *Be it further enacted*, That said corporation shall have the power to appoint such officers and agents as they may deem proper; and to make all such by-laws, rules and regulations for the government of the association, its officers and agents and members, as it may deem best, not inconsistent with the constitution or laws of this state, or of the United States.

Powers.

SEC. 4. *Be it further enacted*, That there shall be an annual meeting of the members of said association to be held in October or November at such place in this state as the board of control may direct; and at such meeting the officers of such association shall be elected, and they shall hold for the term of one year and until their successors are elected and qualified; but, until the next annual meeting, the officers of such

Annual meeting; election of officers.

association, as they are named in the first section of this act, shall be such officers, and exercise the power of their respective offices.

Board of control. SEC. 5. *Be it further enacted*, That the board of control as now constituted, and as hereafter organized, shall be the governing power of said association, subject, however, to the orders of the annual meeting of the members. And the said board of control, unless otherwise ordered by said annual meetings, shall exercise all the corporate powers of said association.

Officers. SEC. 6. *Be it further enacted*, That the officers of said association, hereafter to be elected, shall be a president, two vice-presidents, a secretary, a corresponding secretary, treasurer, chaplain and eight members of the board of control, one of whom shall be selected from each congressional district of this state. The said board of control shall consist of the president, the two vice-presidents and said eight members, selected from the congressional districts as aforesaid. The president shall be the chief executive officer of said association, and president of said board of control; and shall have power to call meetings of said board of control, and shall do so when requested by five members of said board. The vice-presidents, in addition to being members of the board of control, shall discharge the duties of the president when he is absent or unable to act. The board of control shall prescribe the duties of all other officers and agents of said association, and fill vacancies, for unexpired terms.

Approved December 3, 1890.

19]

AN ACT

[H. 163

To amend section 1187 of the Code.

Deducting from weight of cotton; penalty for. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1187 of the code be, and the same is hereby amended so that the same shall read as follows: Section 1187. *Penalty for making deductions, &c.*—Any person, firm, company or corporation who violates the preceding section shall be guilty of a mis-



demeanor, and on conviction must be fined in each case not less than ten nor more than fifty dollars; *Provided*, That deductions may be made by the mutual consent of buyer and seller, or their authorized agents or representatives, on wet or damaged cotton bales, on each bale so weighed or deducted from.

Approved Dec. 3, 1890.

20]

AN ACT

[H. 161

To amend section 1186 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1186 of the code be, and the same is hereby amended so that the same shall read as follows: Section 1186. *What unlawful in buying cotton.*—It shall be unlawful for any person, firm, company or corporation, in buying baled cotton, or in weighing such cotton for sale, to deduct from the actual weight thereof as shown on a level standing beam of the scale, or to use in weighing cotton untested weights, so as to deprive the seller of the cotton of any of its real value. Cotton; weighing of.

Approved Dec. 3, 1890.

21]

AN ACT

[H. 13

To incorporate the Town of Midland City, in the County of Dale.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Midland City, in the county of Dale, be and the same is hereby incorporated, and the corporate limits of said town shall extend one mile in every direction from the depot in said town, situated on the Alabama Midland railroad. Corporate limits.

SEC. 2. *Be it further enacted*, That the officers of said town shall be one mayor, five councilmen, one marshal, and one clerk, who shall also be treasurer; Officers.



who shall be resident citizens of said town for more than six months next preceding their election to such office, and who shall be elected by the qualified electors of said town on the first Saturday in April of each and every year, and shall hold their offices until the election and qualification of their successors in office.

First election

SEC. 3. *Be it further enacted*, That the first election for mayor, councilmen, marshal and clerk of said town shall be held on the first Saturday in April next, according to the laws regulating elections in this state, by inspectors appointed for that purpose by the present intendent of said town; and said inspectors shall conduct, hold and manage such election as aforesaid, and make returns thereof within three days thereafter, to the present intendent and councilmen of said town, who shall within five days from the time of such election examine such returns, and declare the result of such election; *Provided*, that written notices of such election shall have been posted in three places in said town at least ten days before the day thereof.

Annual elections.

SEC. 4. *Be it further enacted*, That all elections in said town, for officers thereof, after such election, shall be held as aforesaid on the first Saturday in April of each and every year by inspectors appointed for that purpose by the mayor and councilmen of said town; and such inspectors shall hold and manage such election in pursuance to the law regulating elections in this state, and shall make returns thereof within three days thereafter, to the mayor and councilmen of said town, whose duty it is hereby made to examine such returns within five days after such election, and declare the result thereof; *Provided*, that due notice of such elections shall be given as required by section three (3) of this act.

Vacancies.

SEC. 5. *Be it further enacted*, That in case of a vacancy in said offices, the mayor and councilmen shall, within ten days thereafter, order an election to fill such vacancy.

Oath of office

SEC. 6. *Be it further enacted*, That said officers, before they enter upon their duties as such, shall each, take the oath prescribed for civil officers in this state and the marshal shall be required to give bond in the sum of three hundred dollars, conditioned faithfully to

execute and discharge the duties of his office, to keep due and correct account of all moneys coming into his hands as such officer, and to make report of the same to the mayor and councilmen of said town quarterly; which bond must be approved by the mayor.

SEC. 7. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside at all meetings of the council, keep order, put questions, take notes, &c., and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try, convict and punish the person committing the same, such punishment not to extend beyond ten days imprisonment in the calaboose of said town, and the payment of the cost in the case, and a fine not to exceed forty dollars, one or both, at the discretion of the mayor; but in any event the defendant, upon conviction, shall pay all costs; *Provided*, that the same authority to commute fines, not secured as may be required, is hereby conferred on such mayor as is exercised by circuit judges of this state; *And provided further*, that the mayor's fees, in every case, shall be the same as those of a justice of the peace, to be taxed as costs and collected from the defendant upon conviction.

Duties of  
Mayor.

Fees of  
Mayor.

SEC. 8. *Be it further enacted*, That the power and authority are hereby conferred upon the council of said town to elect annually an attorney therefor, whose duty it shall be to prosecute all defendants in the mayor's court for violations of the laws and ordinances of said town, and to give his opinion upon any question before the council, whenever required to do so; *Provided*, that he shall not have any other pay for his services than that hereinafter provided for.

Attorney.

SEC. 9. *Be it further enacted*, That if any attorney shall be elected for said town in pursuance to the provisions of the preceding section, he shall be entitled to a solicitor's tax fee for each conviction in the mayor's court of said town, not to exceed in any case the sum of five dollars, which is to be taxed and collected from the defendant as other costs; *Provided*, that the power to elect such attorney for said town may be exercised or not, at the discretion of said council.

Fees of  
Attorney.

SEC. 10. *Be it further enacted*, That said corporation shall have power and authority to ordain and pass

## Powers.

all such ordinances, by-laws and resolutions, and make all such regulations as may be deemed necessary for the good government of said town, which ordinances, by-laws, resolutions and regulations may extend to the preservation of health, to prevent and remove nuisances, to tax, license and restrain theatrical amusements, shows and museums, of all kind whatsoever, within said incorporation; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, houses of ill fame and disorderly conduct; to tax, license, regulate and restrain the sale of vinous or spirituous liquors, whether by retail or wholesale, within the corporation; to license and tax ten-pin alleys and billiard tables; to regulate and establish markets, town prisons, sink and repair public wells, and make all needful provisions for furnishing the town with water; to keep in repair all necessary streets, alleys and drains, and to adopt regulations necessary for the same; to levy and collect taxes on all property in said town for the purpose of defraying the expenses of the same, which tax shall not extend beyond one-fifth of one per cent on the valuation thereof; to tax and license all auctioneers, whether resident or transient, and in general to pass all such ordinances and by-laws not inconsistent with the constitution and laws of this state, as may be necessary for the good government of said town.

Authority  
of Clerk.

SEC. 11. *Be it further enacted*, That the clerk of said town is hereby authorized and empowered to issue all such executions and other process as may be necessary to enforce the collection of all taxes, fines and forfeitures, and other dues, which may be due and owing to said town on any account whatever.

Duties of  
Clerk.

SEC. 12. *Be it further enacted*, That the clerk is hereby authorized and required to make annual assessments of the taxes authorized by this act, and to collect the same in pursuance to this act and the ordinances of said town; and such assessments, when corrected and approved by the mayor and councilmen, shall have the force and effect of a judgment and execution.

Authority of  
Marshal.

SEC. 13. *Be it further enacted*, That the marshal shall have authority, without warrant, to arrest all

offenders breaking the peace or violating any ordinance or law of said town and bring them before the mayor; to execute, by levy and sale, if necessary, all process issued by the clerk for the collection of taxes, fines, forfeitures and other dues owing the said town, and to discharge such other duties as may be made incumbent upon him by the ordinances and laws of said town.

SEC. 14. *Be it further enacted*, That the marshal shall be entitled to two dollars for each arrest made, in case the party is convicted, to be taxed and collected from the defendant, and he shall be entitled to such other fees for his services as may be allowed by the council, not to exceed, if in the nature of a salary, the sum of one hundred dollars. Fees of  
Marshal.

SEC. 15. *Be it further enacted*, That if any citizen of said town shall be called upon by the marshal to assist him in making an arrest, and shall refuse or decline to do so, such a citizen shall be subject to a fine of not more than twenty-five dollars, to be determined by the mayor, as other alleged violations of the laws and ordinances of said town. Duty of citizen to assist  
the Marshal

SEC. 16. *Be it further enacted*. That the said mayor and councilmen and their successors in office are hereby declared and constituted a body corporate, to be known and recognized by the name and style of "The Town of Midland City," and by that name they may sue and be sued in all the courts of law and equity in this state, and shall be capable of purchasing, holding and conveying for the benefit of said town, property, personal and real, not to exceed in value the sum of ten thousand dollars. Powers.

SEC. 17. *Be it further enacted*, That no person residing within said corporation shall be required to do road duty outside of said corporation, nor in any manner, except as required by said corporation. Road duty.

SEC. 18. *Be it further enacted*, That the officers of said corporation are hereby clothed with power and authority to do any and every act necessary to carry into full force and effect all provisions of this act. Authority of  
officers.

Approved December 3d, 1890.

To incorporate the Birmingham Coal Company.

Name.

Rights,  
powers, etc.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That R. D. Johnson, J. D. B. Hooper, A. O. Lane, and their associates, be, and they are hereby constituted and created a body corporated under the name and style of the "Birmingham Coal Company" and by that name may sue and be sued, plead and be impleaded, make and have a common seal, and break, alter or renew the same at pleasure; shall have continual succession, may contract and be contracted with, borrow money and execute notes, bonds or bills therefor, and shall have and exercise all the rights, privileges, powers and franchises in and by this act hereinafter conferred and granted, and as or may be necessary to carry out and effect the purposes of its incorporation, and that said corporation may issue common and preferred stock.

Capital stock

SEC. 2. *Be it further enacted*, That the capital stock of said corporation is hereby fixed at the sum of five hundred thousand dollars; but the said corporation by a vote of its stockholders shall have the right and power at any time after its organization to increase its capital stock from time to time as by its stockholders it may be determined and deemed essential for the uses and purposes of its incorporation; *Provided*, That the capital stock shall not be increased to an amount exceeding "ten million dollars."

Votes of  
stockholders.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of the par value of one hundred dollars, and in all meetings or conventions of the stockholders each stockholder shall be entitled either in person or by proxy to cast one vote for each share of stock held or owned by him, and executors and administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards.

SEC. 4. *Be it further enacted*, That the persons named as incorporators in the first section of this act or a majority of them and such person or persons as shall



join and become associated with them in the premises, shall meet at such time and place in the State of Alabama as they shall designate or appoint, and at such appointed time and place shall proceed to take and receive subscription to the capital stock of said corporation, payable in such manner and at such times as may be determined and agreed on by and between them and the party, or parties, who may desire and propose to take stock in said corporation, which business may be transacted or completed at subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting. The subscriptions to said stock may be made payable in money or property, real or personal, or rights or franchises as may be expressed in the contract therefor; and if made payable in property at such value as may be agreed on by and between the subscriber, and if subscribed for before the corporation is organized, the said corporators, or a majority of them, or, if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscriptions for stock made or taken upon any increase of the capital stock of said corporation after its original organization, as well as at the time of its organization, or in payment of subscriptions for the original amount of capital stock in the second section of this act named.

Meetings.

Subscripti'ns  
to stock.

SEC. 5. *Be it further enacted*, That when as much as one hundred thousand dollars shall have been subscribed as authorized in the last preceding section, to the capital stock of said corporation, then at such time and place as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation by the election of a board of directors, to consist of not less than five nor more than ten members, who shall be elected from the subscribers to the stock, and thereupon the directors so elected, or a majority of them, shall elect either from their number or from the stockholders of said corporation, as they may think best, a president, and they shall also elect a secretary and treasurer of said corporation, or they may elect one person as secretary and treasurer; then the elec-

Organization

tion of such directors, and by them of a president, and secretary and treasurer, shall constitute the organization of said corporation. The directors, president, secretary and treasurer, so elected, shall continue in office until their successors are elected, and shall qualify; the election of the successors of the directors, to be at a subsequent convention of the stockholders, the time and place of holding which may be fixed or designated by a by-law of said corporation, which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

Purpose and object; authority and power. SEC. 6. *Be it further enacted*, That the purpose and object of said corporation shall be and is to mine coal and to sell the same, and to manufacture coal into coke, and that said corporation shall have authority and power to buy, mine and sell coal, and to produce, manufacture, buy and sell coke, and to buy and sell or lease, to acquire, hold and possess all such coal lands, mineral rights in coal lands, timber rights and other property, real or personal, easements and franchises, and to purchase, construct and operate all such railroads, tramways, buildings and structures, as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner, and to lay out, construct, purchase and use all such tramways, railways or other roads or ways, as may be needful and convenient for the transportation of its coal, coke, products, materials and other things that may be required in its business; *Provided*, That the said corporation before constructing any such tramways, railways, or other roads or ways shall lawfully acquire the right of way therefor, and to that end and for that purpose, may use and exercise the right of *ad quod damnum*, and institute and prosecute all such proceedings necessary thereto upon the same terms and in the same way as is prescribed by the code of Alabama.

Places of business. SEC. 7. *Be it further enacted*, That the business of said corporation may be carried on in the counties of Jefferson and Walker, and that said corporation shall have its principal office, or place of business, at Birmingham in Jefferson county, and that said corpora-



tion may also have an office, or place of business without an agent or other employee, in the city of New York for the purpose of there transferring the stock of said company, and otherwise registering its acts and contracts as may be deemed essential.

SEC. 8. *Be it further enacted*, That said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation under and in accordance with section 5 of this act, or at any subsequent meeting of said stockholders, duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby given to it, to execute and issue its bonds for such sums and in such amounts, payable at such time or times, as the said stockholders may determine, and bearing such rate of interest not exceeding eight per cent per annum as the stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby authorized and employed to execute, in its corporate name, a mortgage or deed of trust upon all of its property and franchises or such part thereof as the said stockholders may deem proper, such bonds and mortgage, or deed of trust to be signed and countersigned by the president and secretary, under the seal of said corporation; and the said corporation is hereby authorized and empowered to sell and dispose of its said bonds for the purpose of raising money or for the purchase of property, or for any other purposes necessary to said corporation, as the directors may think best, or such terms as the said board of directors may deem best for the company.

May issue  
bonds.

SEC. 9. *Be it further enacted*, That there shall be annual meetings or conventions of the stockholders of said corporation at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors and for the transaction of such other business relating to the interest of the corporation, as such stockholders when so assembled may deem necessary or proper; of the time and place of holding such conventions, such notice shall be given to

Annual  
meetings.

the stockholders as may be prescribed by by-law or otherwise, or as may be directed by the board of directors on omission of the stockholders to prescribe; but no omission or failure to hold such convention within the time prescribed, shall have the effect to cause a dissolution of such corporation, or the forfeiture of any of its rights, privileges, powers, or any franchises. It shall require a representation of as much as three-fifths of the stock held or owned in such corporation, by the stockholders, in person or by proxy, to form a convention competent to transact business binding on the corporation or its stockholders. After the organization of the corporation the number of the directors shall continue as provided in the fifth section of this act, until otherwise provided by said corporation, which shall have the power to increase or diminish the number as to it shall seem best. A majority of the board of directors shall constitute a quorum for the transaction of any business which they are or may be authorized to transact. Said corporation acting by its stockholders in convention, shall have power to enact or ordain all such rules and by-laws not contrary to the constitution or laws of this state or of the United States, as may be deemed needful and proper for the management and conduct of its affairs and business, and for the transfer of stock by its stockholders.

Increase of  
capital stock.

Sec. 10. *Be it further enacted*, That after the organization of said corporation by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders convened for the purpose of voting upon the proposition to be held, after thirty days' notice given in pursuance of law, the said corporation shall have the right to increase its capital stock, and to take and receive additional subscription to its capital stock, and in doing so may, if it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in property, real or personal, or rights or franchises, as subscriptions to its original stock are payable as provided in this act; and may take and receive such subscriptions in the same manner from either individuals or corporations engaged in the business of producing, or manufacturing iron, or steel, or coal, or

any of these products, and may take and receive proper conveyance for such property in payment for such subscriptions.

SEC. 11. *Be it further enacted*, That the said corporation is authorized to constitute and continue an agency or agencies outside of the state, for the transfer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Approved December 4th, 1890.

23]

AN ACT

[H. 71

To fix the compensation of witnesses for the state, in all criminal cases, in the circuit court of Perry county, and before the grand jury of said county, and to prescribe when and how they are to be paid.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, witnesses summoned and attending on behalf of the state, in all criminal cases in the circuit court of Perry county, and before the grand jury of said county, shall be allowed seventy-five cents per day; also five cents per mile for each mile to and from their residence by the usual traveled route, and all necessary ferriage, tolls of turnpikes and toll bridges; but if a witness attends in more than one case, on the same day, he shall be entitled to compensation in one case only.

Witnesses in criminal cases; compensation of

SEC. 2. *Be it further enacted*, That after the trial, or continuance of the case for the term, or the discharge of the witness by the court, or the grand jury, the clerk of the court or foreman of the grand jury, upon the application and on the oath of the witness, shall issue to him a certificate stating the number of days he has attended, the case in which he attended, the number of miles traveled, the necessary ferriage and toll, and the total amount due him. When the grand jury is discharged the foreman must furnish the clerk of the circuit court a certified list of all the certificates issued.

Certificates.

by him, showing to whom issued and amount due each one.

List of witnesses.

SEC. 3. *Be it further enacted*, That immediately after the adjournment of the court for the term, the clerk shall enter in a book to be kept for that purpose, a certified list of all the certificates issued by him, and the foreman of the grand jury during the term; showing to whom issued, the case in which he attended, and amount due him. For making said list, the clerk shall receive two (2) cents for each certificate so entered in said book, to be paid by the county. Upon the completion of said list the said book shall be delivered to the county treasurer to be kept by him.

Clerk's fee.

Duties of county treasurer.

SEC. 4. *Be it further enacted*, It is hereby made the duty of the county treasurer to pay each of said certificates on its presentation by the owner thereof, and to take up and cancel each one as it is paid, and also mark it paid in said book. The said county treasurer is hereby authorized and directed before each term of said circuit court, to retain out of the general fund of the county, an amount sufficient to pay said certificates as herein provided for.

Costs.

SEC. 5. *Be it further enacted*, Whenever the costs in any criminal case in said court are imposed on the defendant, or prosecutor, or foreman of the grand jury, the fees of the witnesses for the state shall be taxed as costs against him and be collected with other costs taxed against him, as now provided by law; and when said witness fees are so collected they shall be paid by the officer collecting the same to the county treasurer.

Approved December 4th, 1890.

24]

AN ACT

[H. 98

To change the boundary line between the counties of Covington and Crenshaw.

Change of boundary line.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the boundary line of the counties of Covington and Crenshaw be so changed that sections

30 and 31 of township 6, range 18, be taken from the territory of Crenshaw county and be added to the territory of Covington county.

Approved December 5th, 1890.

25]

AN ACT

[H. 176]

To regulate the election of County Commissioners for Tallapoosa County.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the qualified voters of Tallapoosa county shall at the general election in 1892, elect one county commissioner for each district of said county, whose term of office shall begin at the expiration of the term of the present commissioner. Commissioner for each dist.

SEC. 2. *Be it further enacted,* That the commissioners elected as provided in section 1 of this act, for the first and third districts, shall hold their office for two years; and those elected for the second and fourth districts shall hold their office for four years, and that thereafter two of said commissioners shall be elected at the general election every two years, and hold their office for four years. Term of office of commis'srs.

SEC. 3. *Be it further enacted,* That each of said commissioners shall reside in the district for which they are elected. Must reside in district.

SEC. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Laws in conflict repealed.

Approved December 5, 1890.

26]

AN ACT

[H. 41]

To incorporate the East Lake Atheneum.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Robert Jamison, Solomon Palmer, A. D. Smith, J. H. Phillips, W. H. Wood, S. L. Rob- Corporators.

Name.	<p>ertson, R. G. Hewitt, M. V. Henry, C. C. Jones, J. H. Finch, James Van Hoose, Henry H. Brown and James Wilson, and their successors in office, be and the same are hereby constituted a body corporate, to be known by the name and style of the "East Lake Atheneum," and by such name and style shall have perpetual succession; may sue and be sued, plead and be impleaded as natural persons, may have and use a corporate seal, and change the same; may own and hold property both personal and real, acquiring the same by purchase, donations, bequests, devises or by lease; may receive subscriptions for stock for said corporation; may receive by purchase or gift, bonds, choses in action or moneys, to hold and use the same for the benefit of said "East Lake Atheneum." Said corporation shall have power to sell, lease, or mortgage its real or personal property, stocks bonds or choses in action, and to loan or borrow money; <i>Provided</i>, That in making titles to real estate the deeds shall be signed by the president and countersigned by the secretary of said corporation.</p>
Rights, powers, etc.	
Organization	<p>SEC. 2. <i>Be it further enacted</i>, That as soon as practical after the passage of this act, it shall be the duty of the persons named in the first section of this act, or a majority of them, to meet and organize by the election of a president, secretary and treasurer of said East Lake Atheneum, and to adopt such rules and by-laws for the government of the corporation, not inconsistent with the constitution and laws of the state, as they may deem proper.</p>
Purposes and object.	<p>SEC. 3. <i>Be it further enacted</i>, That the purpose and object of said corporation shall be the establishment, organization and maintenance of an institution of learning of high grade for the education of young women, in the arts, sciences and practical industries; to be located at or near East Lake in Jefferson county. That to secure the necessary funds to carry out the objects of this act, said corporators are empowered to form a stock company, whose capital stock shall be sixty thousand dollars, divided into shares of one hundred dollars each, the capital stock of which may be increased at any time by a majority vote of the stockholders at any regular meeting, to any sum not exceed-</p>



ing five hundred thousand dollars. Said corporators are further authorized when the sum of thirty thousand dollars shall be subscribed in good faith by *bona fide* subscribers to the capital stock of said company and as much as 20 per cent. of the subscribed stock shall have been paid in cash or in lands or other property, to cause said stock company to be regularly organized by the election of a board of directors by the stockholders to consist of not less than five nor more than thirteen directors. It shall be the duty of said directors when elected, to organize by the election of a president, secretary, treasurer and such other officers and agents as they may deem necessary to carry out the provisions of this act and the objects for which said stock company was organized; and to make rules and regulations for their own government.

Capital stock

Election of directors.

Election of other officers

SEC. 4. *Be it further enacted*, That said board of directors may elect a board of trustees for the management and control of said institution of learning, to consist of not less than five, nor more than thirteen members; or if they deem best, they may, as such directors, act as a board of trustees for said institution of learning. Said directors shall determine who and how many shall constitute a board of trustees for the management of said institution of learning, and the time and manner of their election.

Trustees.

SEC. 5. *Be it further enacted*, That until such stock company shall be organized by the election of a board of directors as herein provided for, the persons named in the first section of this act shall be authorized to act as a board of trustees for said institution of learning and to have and exercise all the rights and privileges granted in this act to the board of trustees of said institution of learning and to fill all vacancies occurring in their board.

Corporators may act as trustees.

SEC. 6. *Be it further enacted*, That said board of trustees shall have authority to have and use a corporate seal, and the same to change, and to do and perform whatever may be legally done by like corporations in this state, for the establishment, proper organization, perpetuity, and prosperity of said institution of learning. Said board shall elect a president and a sufficient number of professors and teachers for the govern-

Authority to trustees.

ment and institution of the students who may attend said institution of learning, they shall fix the rate of tuition and other charges, and regulate the salaries paid the president, professors and teachers, and prescribe the course of study to be pursued in said institution. They shall have authority to divide the work of said institution into literary, scientific, music, art and industrial departments, and to secure by donations, devises, bequests, subscriptions, endowments, or other means, funds to be used exclusively for the maintenance of any one of the departments or of all of them combined.

Diplomas.

SEC. 7. *Be it further enacted*, That said board of trustees, in connection with the faculty of said institution shall have the right to grant diplomas to those students who have creditably completed any of the prescribed courses of study, and certificates of scholarship or of proficiency in any of the courses of study or departments of the institution, and the said board of trustees may confer any degrees of honor or distinction upon any person they deem worthy of the same, authorized or conferred by similar institutions in the United States.

Rights as to  
property.

SEC. 8. *Be it further enacted*, That said board of trustees shall have the right to own, hold, sell, convey, exchange or otherwise dispose of real or personal property acquired by them as such trustees for the use of said institution of learning, to the amount of two hundred and fifty thousand (\$250,000) dollars, the same to be exempt from taxations by state, county or municipality.

This is a  
public act.

SEC. 9. *Be it further enacted*, That this act shall be deemed a public act, and shall be judicially taken notice of without being specially pleaded.

Approved December 5, 1890.

27]

## AN ACT

[H 52

To provide for a re-registration of all legal claims against the fine and forfeiture fund of Marion County.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That upon the approval of this act, or as soon as it is known by the county treasurer of Marion county, it shall become the duty of said treasurer to give notice, by publication in a newspaper in said county, for four consecutive weeks; and also by posting printed notices at three or more public places in each voting precinct. That after the expiration of ninety days from the first insertion of said notice, within which time all persons holding legal registered claims against said fine and forfeiture fund, prior to 1890, are hereby required to file said claims with said county treasurer, for the purpose of registration.

Duty of  
county  
treasurer.

Claims to be  
registered.

SEC. 2. *Be it further enacted,* That all claims not filed within the time prescribed in the preceding section, shall be barred, and so marked by the treasurer.

Claims  
barred.

SEC. 3. *Be it further enacted,* That after the expiration of said ninety days, said treasurer shall proceed to re-register all legal claims so filed, according to their original date and number, making a new registration of all legal claims filed, and after said claims have been so re-registered, said county treasurer on demand shall return said claims to the persons filing the same.

New regis-  
tration.

Approved December 5, 1890.

28]

## AN ACT

[H. 115

To separate the office of Sheriff and Tax Collector in Marion County, and to provide for the election of a Tax Collector.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the office of sheriff and tax collector in Marion county is hereby separated.

Separate  
offices.

SEC. 2. *Be it further enacted,* That hereafter a tax

Election of  
tax collector

collector shall be elected in said county, in the same manner and at the same time, as in other counties of this state, under the general laws of the state; and said office, as to the duties thereof, shall be governed by the general laws of the state. *Provided*, that this act shall not take effect until after the expiration of the present term of office of the present sheriff of said county.

Laws in con-  
flict repealed.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved December 5, 1890.

29]

AN ACT

[H. 31

To provide for the permanent location of the county site of Fayette County, by the vote of the people of said county.

County site  
election.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the probate judge of Fayette county, State of Alabama, to order an election to be held in said county, on the first Monday in March, 1891, for the purpose of permanently locating the county site of said county; and said election shall be held in the same manner, and under the same restrictions and penalties, as are now provided by law for the election of members of the general assembly.

Tickets.

Duty of  
supervisors.

SEC. 2. *Be it further enacted*, That each voter shall have written or printed on his ticket the name of the place at which he desires the county site to be permanently located, and it shall be the duty of the board of supervisors to count and compare all the votes polled; and if any place shall have received a majority of all the votes polled, they shall declare such place the permanent county site of Fayette county; but if no place shall have received a majority of all the votes polled, then it shall be the duty of the probate judge, in like manner as before, to order a second election, to be held on the first Monday in April, 1891; at which election

the vote shall be taken between the two places which shall have received the highest and the next highest vote at the first election, and the majority of the vote cast at said second election shall determine the question of the permanent location of the county site of Fayette county at the place which shall have received the majority of all the votes cast at said second election.

SEC. 3. *Be it further enacted*, That if a majority of all the votes cast at either of said elections shall determine the removal of the county site of said county from its present location, then, and in that event, William A. Musgrove, Willis B. Melton, Terrell M. Reese, William F. Baker, Philip M. Newton, John T. Ashcraft and John Tyler McCaleb, be and are hereby appointed commissioners, whose duty it shall be to select the most suitable location for the erection of the court house and other public buildings, within one mile of the place chosen as the permanent county site, and they are hereby authorized and empowered to purchase, or receive by donation, a fee simple title to and in any lots and land, so as to vest the title in the county of Fayette. Commiss'rs.

SEC. 4. *Be it further enacted*, That in the event of the removal of the county site from its present location, then it shall be the duty of the court of county commissioners to sell all lands and other property belonging to the county, located at the present county site, and to use the proceeds in the erection of the new public buildings, and they are hereby authorized and empowered to execute deeds to said property; *Provided*, that nothing in this act shall prevent said commissioners from using any of said property in the erection of the new public buildings. Commiss'rs  
court; duties  
of.

SEC. 5. *Be it further enacted*, That the officers of the elections, and the commissioners provided for in this act, shall receive the same compensation for their services as are paid in general elections in this state. Officers of  
election to  
receive pay

Approved December 8, 1890.

To incorporate the City of Girard, Russell county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city of Girard, in Russell county be, and the same is hereby incorporated, and the corporate limits of said city shall embrace an area of land as follows: Beginning at a point on the west bank of the Chattahoochee river where the boundary line between the counties of Lee and Russell strikes said river, thence running west along said boundary line to the northwest corner of section fifteen (15), township seventeen (17), range thirty (30), thence due south along said section line to the southwest corner of section twenty-two (22), township seventeen (17), range thirty (30), thence east along the section line between sections twenty-two (22) and twenty-seven (27), and twenty-three (23) and twenty-six due east to the Chattahoochee river, embracing fractional part of section twenty-four (24), thence up and along the western bank of said river to the beginning point.

Corporate  
limits.

SEC. 2. *Be it further enacted*, That the corporation of the city of Girard shall hereafter consist of a mayor and Board of Aldermen, and said corporation shall be known and styled "The City of Girard," and by that corporate name may sue and be sued, plead and be impleaded, grant and receive and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said city, and may have and use a city seal which may be broken or altered at pleasure.

Name,  
Rights,  
powers, etc.

SEC. 3. *Be it further enacted*, That the city of Girard shall be divided into six wards, and each ward shall be entitled to one alderman for every one thousand population, or fractional part thereof, said aldermen residing within the limits of their respective wards, to be elected by the qualified voters of said city of Girard as hereinafter provided.

Six wards.

SEC. 4. *Be it further enacted*, That the mayor and alderman of the city of Girard shall have full power and authority to lay off said city into six wards, and

Laying off  
wards.



declare and fix the boundaries and limits of the same, and alter such limits, and increase or diminish the wards at their discretion.

SEC. 5. *Be it further enacted*, That no person shall be eligible to the office of mayor or alderman who is not a qualified voter in said city. Elegible to office.

SEC. 6. *Be it further enacted*, That the mayor, aldermen and additional officers of clerk, treasurer and marshal shall be elected by ballot by the male inhabitants of said city who are qualified voters under the same provisions of said charter. Election by ballot.

SEC. 7. *Be it further enacted*, That the first election of city officers elected by the people at large under this charter be held ten (10) days after its passage, or as soon after as convenient, by giving five (5) days notice of said election by written notices posted in ten different places in said city of Girard. The city officers so elected shall hold their several offices for the term of one year, and until their successors are duly elected and qualified, and in case the office of mayor or other elective officer or officers of said city shall become vacant from any cause, the board of aldermen of said city at either a regular or called meeting shall order an election to fill such vacancy or vacancies, shall be advertised not less than ten days, and the person elected shall hold office until the next regular election of officers, and until his successor has been qualified. The probate judge of Russell county is hereby authorized and required to appoint three qualified voters residing in said city, none of whom shall be candidates for any office, as commissioners to hold said first election, either of whom with two free-holders residing within the incorporate limits of said city may act, and all subsequent elections shall be conducted and held by three free-holders appointed by mayor and aldermen. First election  
Term of office.  
Vacancies.

SEC. 8. *Be it further enacted*, That in the event any municipal election in and for said city of Girard shall be contested, it shall be contested before the probate judge in and for Russell county, provided application is filed and notices given of such contest to the judge of said probate court, and to the person or persons whose election is so contested, within fifteen days next succeeding such election. Contests

## Appeals

SEC. 9. Either party to such contest shall have the right to appeal from the decision of said judge of probate on such contestations to the circuit court of Russell county, Alabama, by giving bond with good and sufficient security, the amount and condition of such bond to be prescribed by said probate judge.

## Powers.

SEC. 10. *Be it further enacted*, That the said city through its mayor and aldermen shall have full power and authority to pass all by-laws and ordinances to prevent nuisances, and to declare and remove nuisances ; to prevent the introduction of contagious or infectious diseases within said city, by providing one or more places for the reception of the sick, or by any other lawful means whatsoever, to establish night watches and patrols, to erect lamps, and provide and pay for the proper lighting of said city by gas and electricity or otherwise ; to the sale of vinous, spirituous or malt liquors and fix the sum to be paid not less than \$250 nor more than \$1,000 as license to sell the same as the mayor and aldermen of said city may see proper, within the corporate limits of said city ; for the regulation of hacks, coaches, carriages, cabs, wagons, carts and drays, and for licensing them ; and for the regulation and licensing of pawn brokers within the city ; to restrain or prohibit gambling, and to regulate and license theatrical and other public amusements ; to establish and regulate markets, and to rent out stalls in the same ; to erect and repair bridges ; to keep in repairs all necessary streets and avenues, and to alter, widen and change the same, and to open up new streets in said city upon making compensation to the owners of lands taken for public use ; to make all drains and sewers required, and to keep them open ; to pass all ordinances necessary for preserving streets, alleys, sewers, bridges and other public property of the city ; to organize and regulate fire companies, to enact by-laws for the extinguishment of fires, and if necessary to remove or pull down buildings or fences for the prevention of fires ; and to sink wells, to make reservoirs, to erect or repair pumps, or wells in the streets, or at such places as the public good may require ; to acquire by lease, purchase or otherwise the use of houses for hospitals, pest-houses, houses of cor-

rection, penitentiary or other building for the use of said city, and to levy and collect taxes as prescribed by this act for defraying the expenses of the city; to restrain and prohibit disorderly assemblings of all persons; to cause all vagrants, idle, disorderly or dangerous and suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found drunk or begging in and about the streets, and who have no visible or honest employment or business in the city, and all public prostitutes who lead a notorious lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charges for their support, and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding six months, unless such security shall sooner be given, which said labor shall be designated for the benefit of the city; and for all subsequent offenses of the same kind, a like punishment may be inflicted by like proceedings from time to time; to take care of, preserve, remove, designate and regulate all burying grounds within the city; and to establish grades for streets and sidewalks; to pass all such resolutions, by-laws and ordinances as they may deem necessary and proper for the good government of the city, not contrary to the laws of this state, and to carry into effect the powers conferred by law on the said mayor and aldermen.

SEC. 11. *Be it further enacted*, That the mayor and aldermen are fully authorized to create all such offices, and to appoint all such officers and agents, as may be necessary and proper to carry into effect the powers conferred on the corporation, and all that may be deemed necessary and proper for the good government of the city, and for the preservation of the peace therein, and to prescribe the duties of all such officers and agents; to regulate and control them in the performance of their respective duties as officers or agents, and at all times remove or discharge any or all of its officers or agents or employees; to fix the compensation of all officers and agents or employees, and to provide for the payment, as the said mayor and aldermen may

Powers

Mayor and  
aldermen  
may elect  
other officers

Bonds of officers. deem best, and at any time to repeal, alter or amend the ordinances appointing such agents, or regulating and controlling their duties or compensation and to require such bonds or securities as they may deem proper from all such officers and agents. The condition and amount of such bonds to be fixed by the mayor and aldermen, and the sufficiency of such bonds to be determined and approved by them in council, and the same to be entered on the minutes.

Powers of Mayor. SEC. 12. *Be it further enacted*, That the mayor of said city shall be a conservator of the peace in and for the city of Girard, and shall have power to arrest, examine and commit or bail, as far as is consistent with the laws of this state, all persons charged with criminal offences against the ordinances of the city, and to administer oaths in the same manner as justices of the peace.

Duties of Mayor. SEC. 13. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the board of aldermen, when practicable, to see that the laws of the corporation be duly executed, and he shall hold a court once in each day of the week, if necessary, Sunday excepted, for the trial of all offenders against the city laws and ordinances. He or any alderman shall report the negligence, or incapacity, or misconduct, of any officer or agent of the corporation, to the board of aldermen. He shall lay before said board, from time to time, in writing, recommendations as to such alterations in the laws of the corporation, or measures for its good government or interests, as he may deem necessary and proper; and in case of disturbance of the peace, or whenever the peace and security of the city in his opinion requires it, he shall have power and is hereby required to call on the sheriff of the county for his aid and assistance in preserving the peace, by calling out and using the posse of the county, and by all legal means the law confers on the sheriff as a peace officer; and the mayor shall perform all such other duties as may be legally required of him by the aldermen, or by the charter, by-laws and ordinances of the city, and he is vested with full powers to perform said duties, and to enforce obedience, and is authorized while holding his court to fine and imprison, or either;

for contempt, but imprisonment shall not extend over forty-eight hours, and the fine not to exceed ten dollars for first offence, nor in any event over fifty dollars.

SEC. 14. *Be it further enacted*, That a majority of the aldermen shall constitute a quorum, and in the absence of the mayor at any meeting of the board, any alderman selected by a majority of those present, shall preside as mayor pro tempore; and as such shall for the time being exercise all the powers and discharge all the duties of mayor. A majority of the quorum may pass all ordinances and by-laws necessary and proper to carry into effect the powers conferred on the city of Girard by this charter and the laws of the state. All ordinances and by-laws of said city shall be presented to the mayor, or alderman acting as mayor, for his approval, and he shall indorse upon it "approved," and sign his name thereupon, and thereupon it shall become a law.

Aldermen  
meetings o

Ordinances  
and by-law

SEC. 15. *Be it further enacted*, That the mayor and his legally appointed assistants are hereby constituted ex-officio constables of this state within the city of Girard, and as such are authorized to preserve the peace, and arrest for violation of law in their presence, or in the presence of either of them, any person or persons, without warrant, as other peace officers of the state are authorized to do; and they are authorized to execute all process to them directed, and for the purpose of performing their duties they are empowered to call to their aid any and all citizens. They are hereby entitled to exemptions, privileges and protection given by law to constables and peace officers of the state.

Mayor and  
assistants  
may mak  
arrests.

SEC. 16. *Be it further enacted*, That the mayor shall possess within the incorporate limits exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions or other proceedings for violations of the charter, or ordinances, or by-laws of the corporation; he shall have jurisdiction to declare forfeited all bail or appearance bonds, payable to the city of Girard, taken under this act, or the ordinances of this corporation, including proceedings and suits against the officers of the corporation and the sureties on their official bond for non-payment of taxes or other moneys collected or received for other delinquencies or defaults in office;

Jurisdiction  
of Mayo



## Appeals

and upon the judgment of the mayor in any case, in any branch of his jurisdiction as mayor, execution or appropriate process may be issued by the clerk of the corporation, directed to and to be executed by the marshal, which shall have the force and effect of an execution or appropriate process, as the case may be, from any of the circuit courts of this state; and shall be executed by the marshal in the same manner as executions or other process, as the case may be, for such circuit courts, and from any judgment or decision of the mayor as such, the party desiring it may take an appeal to the circuit court of Russell county, on giving bond with two sufficient securities, to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect and satisfy such judgment as the circuit court may render in the premises. But unless said appeal bond be given within five days from the date of said judgment or decision, then no appeal shall be allowed from the same. The proceedings from such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace; *Provided*, that nothing herein contained shall be so construed as to prevent writs of certiorari from issuing from the circuit or probate courts in proper cases.

## Taxes

SEC. 17. *Be it further enacted*, That the said mayor and aldermen shall have authority to levy taxes on the real and personal property within said city, except such as may be exempt from taxation under the laws of the State of Alabama or the United States; on auction sales and sales of merchandise; on capital employed in business in said city; merchants, traders, itinerant or other transient persons, and on other subjects of taxation within said city on which state and county taxes are now levied, or on which may hereafter be levied state taxes.

## Rate of tax

SEC. 18. *Be it further enacted*, That the said tax on real and personal property, shall not, in any one year, exceed one-half of one per centum on the value of such property as assessed for state taxation during the preceding year, and shall be levied according to the assessment and valuation of the property taxed, made by the assessor under such rules as the mayor and aldermen



may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to revise and correct, as they may deem just and proper in making assessments.

SEC. 19. *Be it further enacted*, That all male inhabitants, between the ages of eighteen and forty-five years, who have resided in said city for thirty days, and who are not exempt under the general laws of the state, shall be liable to five days duty on the streets and roads of said city, under the direction and control of the street superintendent, or other officers appointed by the mayor and aldermen for such purposes. The said mayor and aldermen may pass such ordinances and provide such regulations and proceeding as may be necessary to enforce the same; *Provided*, that any person may relieve himself from working on said streets and roads, by paying into the treasury of said city, semi-annually, one dollar and twenty-five cents (\$1.25), and the inhabitants of said city are exempt from working on the roads and highways outside of said city.

Working on  
streets

SEC. 20. *Be it further enacted*, That full power and authority are hereby given said mayor and aldermen to establish such rules and regulations not inconsistent with this act, for the assessment and collection of the taxes authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceeding, to enforce and collect the same, and to impose such fines and penalties, in reference to the taxes and revenues of the city, as are expedient and proper.

Authority  
to assess  
and collect

SEC. 21. *Be it further enacted*, That all bridges, public roads and streets, within the limits of said city of Girard, shall be kept in repair and in order by said city; and all new bridges which may hereafter be established within the limits of said city, shall be established by said city, and kept in repair and in order by said city; *Provided*, that all bridges within the limits of said city of Girard which have heretofore been kept in repair by the county, shall be continued to be kept in repair or rebuilt, if necessary, by said county.

Bridges

SEC. 22. *Be it further enacted*, That the mayor and aldermen shall have the right to grant the right of way

Rights of  
way.

to any railroads, street railroads, or dummy lines, through or across any street in said city.

Exempt from tax SEC. 23. *Be it further enacted*, That any manufacturing establishment hereafter located in said city, shall be exempt from the city taxes for the period of ten years from their location in said city.

Laws in conflict repealed. SEC. 24. *Be it further enacted*, That all laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 8, 1890.

31]

## AN ACT

[H. 159

To incorporate Fairview M. E. Church South, and Friendship Baptist Church, situated in Township 8, Range 7, DeKalb county, Alabama, in close proximity, with the following named trustees, and their successors in office, viz: James A. Young, James M. Pickens, J. A. Dobbins, Peter F. Stewart, and B. D. Ward, chosen by their respective churches.

Churches incorporated SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Fairview M. E. Church South, and Friendship Baptist Church, be incorporated with the above named trustees, and their successors in office.

Liquor prohibition. SEC. 2. That it shall not be lawful for any person to sell brandy, rum, whisky, wine, cider, lager beer, lemonade or anything else that may be likely to disturb the peace of said churches, within three miles in every direction from the same.

Penalty SEC. 3. That any person or persons violating the second section of this act on conviction shall be fined not less than ten dollars, nor more than one hundred dollars.

Approved December 8, 1890.

32]

## AN ACT

[H. 162

To amend section 1174 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1174 of the code be and the same is hereby amended so that the same shall read as follows: Section 1174. Warehousemen or common carriers receiving things or property of any kind for safe keeping or for carriage, hire or reward, must, on the delivery to them of such things or property, give the person from whom received a receipt or bill of lading stating the order or condition in which such things or property may be, and if cotton in bales is received, stating expressly the condition of the bagging, ropes or ties, and of the cotton, whether dry, damp, wet or very wet; and such warehouseman or common carrier is bound to deliver in like order or condition as when received; and if such receipt or bill of lading be not given, such things or property must be deemed and taken to have been in good order or condition at the time of delivery to such warehouseman or carrier, and he is bound to deliver in like good order and condition, and the warehouseman or carrier neglecting or failing to give such receipt or bill of lading is liable for all loss or damages the owner of such things or property may sustain in consequence of such neglect or failure; but nothing in this section contained must be construed as affecting the common law liability of a warehouseman or common carrier for an injury to or for the loss of such property or things.

Warehousemen or common carriers must give receipt or bill of lading.

Approved December 8, 1890.

33]

## AN ACT

[H. 166

To amend section 128 of the Code of 1886.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 128 of the code of 1886 be amended to read as follows: 128. The salary of the attorney general shall be two thousand five hundred

Salary of attorney general.

dollars per annum, payable in monthly installments on the last day of each month.

SEC. 2. *Be it further enacted*, That all fees to which the attorney general is now entitled on state cases affirmed in the supreme court, shall be paid into the state treasury.

SEC. 3. *Be it further enacted*, That the provisions of this bill shall go into effect on and after the election and induction into office of the attorney general chosen the next general election.

Approved December 8, 1890.

34]

AN ACT

[H. 349

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within the limits of precinct number one (1) in Jackson county, Alabama.

Liquor pro-  
hibition

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, give away or otherwise dispose of spirituous, vinous or malt liquors or intoxicating bitters or beverages within the limits of precinct number one (1) in Jackson county.

Penalty

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Approved December 8, 1890.

35]

## AN ACT

[s. 49]

For the relief of H. McVay Moore, late Sheriff of Lauderdale county.

SECTION 1. *Be it enacted by the General Assembly of* <sup>Relief</sup> *Alabama*, That the commissioners court of the county of Lauderdale, are hereby authorized to pay to H. McVay Moore, late sheriff of said county, the actual expenses of the said H. McVay Moore, any money paid out by him in arresting and bringing back into said county and state, three prisoners, viz: John Chandler, Ed. Chandler and Wiley Moore, charged with felonies, who had escaped from the jail of Lauderdale county. The amount to be allowed under this act, not to exceed one hundred and fifty dollars.

Approved December 8, 1890.

36]

## AN ACT

[H. 32]

To provide for the holding of elections in the several beats of Geneva county, to determine whether alcoholic, vinous or malt liquors shall be sold in such beats.

SECTION 1. *Be it enacted by the General Assembly of* <sup>Liq'r licens</sup> *Alabama*, That from and after the passage of this act <sup>election</sup> no license shall be issued for the sale of alcoholic, vinous or malt liquors, in any of the beats of Geneva county, until a majority of the qualified electors of said beat shall have expressed a desire for the issuance of such license at any election held for such purpose.

SEC. 2. *Be it further enacted*, That upon an application, in writing, of ten or more good and lawful citizens of any beat in said county, who shall have been <sup>Application</sup> both householders and freeholders in said beat for a <sup>for election</sup> period of twelve months next preceding, praying for an election, the judge of probate of said county shall <sup>Duty of</sup> forthwith order an election to determine the question <sup>judge of</sup> of a license for that beat, which said election shall be <sup>probate.</sup> conducted in all respects in conformity with the gen-

Inspectors not to receive pay  
Election only once a year  
eral election laws of the state; *Provided*, that inspectors and returning officers shall not be entitled to any compensation for their services; and *Provided, further*, that no election shall be held in any of said beats within the space of one year from the election next preceding it on this subject.

Words on ballots  
SEC. 3. *Be it further enacted*, That at said election the ballots shall be written or printed, "for license," and "against license;" and if a majority of the votes cast be "for license," the probate judge shall forthwith issue a license to such parties desiring to sell, as have complied with the general laws relating thereto. But if a majority of the votes cast be "against license," no license shall be issued to any one to sell such liquors in that beat until the expiration of the time hereinbefore prescribed.

Penalty  
SEC. 4. *Be it further enacted*, That any person who sells, or offers for sale, any of the above named liquors in any of the beats of said county, without first obtaining a license therefor, must, on conviction, be fined not more than one hundred dollars, or may be sentenced to hard labor for the county for not more than six months.

Laws in conflict repealed.  
SEC. 5. *Be it further enacted*, That all laws, or parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 8, 1890.

37]

AN ACT

[H. 50

For the relief of Robert E. Yarborough, a minor under eighteen years of age, of Lee County, from the disabilities of non-age.

Relief from disabilities of non-age.  
SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Robert E. Yarborough, of Lee county, a minor, under eighteen years of age, be and he is hereby relieved of the disabilities of non-age, and may sue and be sued as though twenty-one years of age; and he is hereby authorized to manage and transact all business connected with his estate; and that all



contracts which he shall make, after the passage of this act, shall be legal, and of as full effect as though he were twenty-one years of age; and he is hereby fully authorized to settle with his guardian, and receive the property and effects coming to him, from his guardian, as fully as though he were twenty-one years of age.

Approved December 8, 1890.

38]

AN ACT

[H. 88

For the preservation of game animals and birds in the  
County of Walker.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful, at any place in the county of Walker, to catch, kill, injure, or pursue with such intent, any wild buck, doe or fawn, or to catch, kill or injure, or pursue with such intent, any quail, sometimes called a partridge, between the 15th day of April and the 15th day of October; and it shall also be unlawful, to catch, kill, injure, or pursue with such intent, any wild turkey, between the 15th day of May and the 15th day of October; and it shall also be unlawful to catch, kill, injure, or pursue with such intent, any turtle dove, between the 15th day of March and the 15th day of July. Protection of  
game

SEC 2. *Be it further enacted,* That it shall be unlawful, at any place in the county named in this act, for any person to destroy or rob the nest of any wild bird whatever, except crows, blackbirds, blue jays, English sparrows, hawks, owls, and other birds of prey. Nests

SEC. 3. *Be it further enacted,* That it shall be unlawful, in any place in the county in this act, for any person to purchase or expose for sale, any of the birds or game mentioned in the first section of this act, during the seasons when catching, killing or injuring the same is prohibited. Buying or  
selling game  
prohibited

SEC. 4. *Be it further enacted,* That it shall be unlawful for any person, or persons, who are now residents of the county named in this act, to engage in Camp hunt-  
ing unlawful

what is known as camp hunting, within the county of Walker; *Provided*, that the provisions of this section shall not apply to persons non-resident of said county hunting while guest of *bona fide* residents of the county of Walker.

Penalty

SEC. 5. *Be it further enacted*, That any person, or persons, violating the provisions of this act, by catching, killing, or injuring, or pursuing with such intent, any of the birds or game mentioned in the first section of this act, or robbing any bird's nest mentioned therein, or camp hunting, shall, for such violation thereof, be deemed guilty of a misdemeanor, and on conviction thereof, shall forfeit and pay a fine of not less than twenty nor more than one hundred dollars.

Justice of the  
peace has  
jurisdiction

SEC. 6. *Be it further enacted*, That any violation of the provisions of this act may be prosecuted before any justice of the peace, or any other officer or court having jurisdiction of misdemeanors in said county; and the judgment of said court shall be enforced in like manner as in other criminal cases, with like right of appeal.

Disposition  
of fines, etc.

SEC. 7. *Be it further enacted*, That half of fines and forfeitures collected under this act shall go to the person giving information that will lead to a conviction under this act; the balance to the fine and forfeiture fund of the county named in this act.

Duties of  
Officers.

SEC. 8. *Be it further enacted*, That it shall be the duty of the sheriff, constable, police officers and justices of the peace, to arrest all persons violating the provisions of this act, and take them before the proper officers having jurisdiction, to hear and try the complaint for the violation of any of the provisions of this act.

Approved December 8, 1890.

39]

AN ACT

[s. 89

To provide suitable compensation for the Superintendent of Education of the County of Walker.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this

act the superintendent of education of Walker county shall receive for his official services in discharge of the duties of said office, the sum of two hundred and fifty dollars per annum, in addition to what he is now allowed by law, payable quarterly out of the general fund of said county. Warrants for said quarterly payments to be drawn by the commissioners court at the regular terms thereof.

Compensat'n  
of county  
sup't of ed  
ucation

Approved December 8, 1890.

40

AN ACT

[H. 46]

To amend the charter of the Birmingham Water Works Company.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That section 5 of the charter of the Birmingham Water Works Company, approved February 13, 1885, be amended so as to read as follows: Section 5, Be it further enacted. That the capital stock of said company shall be five hundred thousand dollars (\$500,000), divided into shares of one hundred dollars (\$100) each. That the capital stock may be increased by additional shares to one million five hundred thousand dollars (1,500,000) as the business of the said company may require: Subscriptions to said stock may be paid either in money or in property.

Capital stock

Approved December 9, 1890.

41]

AN ACT

[H. 110]

To amend an act entitled an act, to provide for the times of holding the Circuit Court in the Sixth Judicial Circuit of the State, approved February 19, 1889. So far as Lamar county is concerned.

*Be it enacted by the General Assembly of Alabama*, That an act entitled an act to provide for the times of holding the circuit court in the sixth judicial circuit of this state, shall be amended as follows:

Circuit court

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit courts in the several counties composing the sixth judicial circuit of this state, shall be held at the respective court-houses thereof in each year as follows:

Fayette

In the county of Fayette, on the fourth Mondays in February and August, and at each term may continue two weeks.

Lamar

In the county of Lamar, on the second Mondays after the fourth Mondays in February and August, and at each term may continue two weeks.

Tuscaloosa

In the county of Tuscaloosa, on the fourth Mondays after the fourth Mondays in February and August, and at each term may continue three weeks; *Provided*, That whenever in the opinion of the presiding judge of said court, the public good shall not require that a grand jury shall be empaneled for any term of said court, he said give the clerk of said court notice of the same, at least thirty days prior to the beginning of said term, and thereupon a grand jury shall not be drawn, summoned and empaneled or organized for such term.

Sumter

In the county of Sumter, on the seventh Mondays after the fourth Mondays in February and in August, and at each term may continue three weeks unless the business of the term is sooner disposed of.

Pickens

In the county of Pickens, on the tenth Mondays after the fourth Mondays in February and August, and at each term may continue two weeks.

Greene

In the county of Greene, on the twelfth Mondays after the fourth Mondays in February and August, and at each term may continue three weeks unless the business of the term is sooner disposed of:

*Provided*, That this act shall not go into effect until after the spring terms of 1889 of the several counties of the sixth judicial circuit are held.

Approved December 9, 1890.

42]

## AN ACT

[H. 170]

To prohibit the sale, giving away or otherwise disposing of intoxicating liquors, within one-half ( $\frac{1}{2}$ ) mile in every direction of Bethel Church, at Adams Cotton Mills, near the city of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, 1891, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of intoxicating liquors or intoxicating bitters within one-half mile in any direction of Bethel Church at Adams Cotton Mills, near the city of Montgomery in this state.

Liquor prohibition

SEC. 3. *Be it further enacted*, That any person or persons violating the first section of this act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail for not more than thirty days, one or both at the discretion of the jury trying the same.

Penalty

Approved December 11, 1890.

43]

## AN ACT

[H. 218]

To prevent stock from running at large in Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for the owner of any horse, mule, ass, cow, hog, sheep or goat in Pike county, knowingly, voluntarily or willfully to permit any such animal to go at large off the premises of such owner; and the owner of any such animal so permitted to go at large shall be liable to any party injured thereby, for all damages done to the fruit or shade trees, ornamental shrubbery or crops of any person or persons, to be recovered before any court of competent jurisdiction; and the judgment of the court when against the owner of any such stock so depredating, shall be a lien on the stock causing such injury, in addition to other liens which on execution issued on said judgment may have according to law.

Stock law

Liability of Owner

Lien on stock

SEC. 2. *Be it further enacted*, That any person who is the owner of, or is lawfully in the possession of any land, or the agent of such persons within the limits of said county of Pike shall have the right to take possession of any animal named in the preceeding section, if found at large and uncontrolled on the premises of such person, and when so taken up, such person or his agent, so taking up such animal, shall notify personally, or by leaving a written notice at the usual place of residence of the nearest justice of the peace in his beat of the same when the owner is unknown, and the owner of such animal when known, within twenty-four hours after such seizure.

SEC. 3. *Be it further enacted*, That the owner of any animal which has been seized, as provided in section two of this act, shall have the right to the possession of the same on paying the damages, fees, costs and expenses due on account of such seizure, to the person so seizing such animal; but should the parties not be able to agree upon the amount of damages, fees, costs and expenses due, either party shall have the right to go before any justice of the peace within the beat where such stock is seized or taken up, or the nearest justice of the peace, should there be none within said beat, and have the issue tried instantly or as soon as practicable, on a written statement or complaint, setting forth in substance the facts of such seizure, first giving the opposite party notice thereof; and said issue shall involve the validity of such seizure, the amount of damages, fees, costs and expenses under the provisions of this act, and the judgment of said justice of the peace shall have all the force and effect of a judgment in any other case at law, and be executed in the same manner as any other judgment of a justice's court is enforced, and on the trial of such issue the party taking up such animal shall be the plaintiff in the action; *Provided*, the damages assessed in any such case shall not exceed one hundred dollars, but if the owner of such animal is unknown the person taking up the same shall proceed as though such animal was estray, and in accordance with the laws provided in the case of estrays..

SEC. 4. *Be it further enacted*, That if the owner or



his agent shall not claim his animal in twenty-four hours after he and the justice of the peace are notified of the taking up of such animal, then the justice of the peace shall order the same to be sold by the constable of the precinct or by some one appointed by the justice of the peace to act as such, and the constable or person appointed to act as such upon the making of such order shall sell the same upon giving three days notice of such sale by posting a written or printed notice at each of three public places in said precinct, and out of the proceeds pay the expenses of such sale, and of taking up, and the fees and damages due to the taker up, and of giving notice, and of making the order of sale and the balance must be paid to the owner of such animal. The justice shall be entitled to fifty cents for making the order of sale, and the constable shall be entitled to one dollar for making such sale and posting the requisite notices.

Stock may be sold

Fees of justice and constable

SEC. 5. *Be it further enacted*, That for taking up animals under this act, the following fees shall be allowed: For taking up each horse, mule or ass, one dollar; each hog or cow, fifty cents; each goat or sheep, twenty-five cents, and one-half of such sums for every day such animal or animals are kept by the taker up; *Provided*, That young animals incapable of damaging crops, shall not be charged for, and that the taker up or his agent, shall not be liable for injuries to animals or for the escape thereof, except in cases of willful neglect or when the injury is intended.

Fees of taker up

SEC. 6. *Be it further enacted*, That this act shall be inoperative from the first of December to the fifteenth day of February of each year; *Provided*, That stock running at large during such time upon any growing or outstanding crop shall be subject to all the penalties and damages arising under this act; *Provided*, The provisions and penalties of this act shall not apply to stock crossing over from counties where no stock law exists.

When inoperative

SEC. 7. *Be it further enacted*, That all laws and parts of laws controvening the provisions of this act be, and the same are hereby repealed.

Laws in conflict repealed.

Approved December 9, 1890.

To provide for the drawing and summoning petit jurors for the second week of the Circuit Court of Lamar county for the spring term 1891, and each ensuing term of said court thereafter.

Duties of circuit clerk and jury commissioners

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the clerk of the circuit court of Lamar county, to notify the commissioners whose duty it is under the law to draw jurors, to meet on the 1st day of January, 1891, or as soon thereafter as practicable, and draw petit jurors for the second week of the term of the circuit court of said county for the spring term 1891, and if necessary for the second week of the ensuing term thereof, and said commissioners shall furnish a list of the same to the clerk of the court at least twenty (20) days before the term as required by the general law; the clerk shall issue to the sheriff the proper order for the summoning of said petit jurors, and the sheriff shall be subject to the same penalties for failing to summon said jurors as provided by the general law for failing to perform similar duties.

Laws in conflict repealed

2. *Be it further enacted*, That after the fall term 1891, of the circuit court of Lamar county, all jurors for the second week of said court shall be drawn and summoned in the same manner as now provided by law for drawing jurors for the first week's term of said court.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 9, 1890.

45]

## AN ACT

[H. 215

To authorize the Board of Trustees of the School District of the Town of New Decatur to issue bonds of said School District, for the purpose of paying the debts of said District, and of erecting, adding to and improving school buildings and furnishing the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of trustees of the School District of New Decatur be and the same are hereby authorized to issue the bonds of said school district, to an amount not exceeding ten thousand dollars, or so much thereof as said board may deem necessary, for the purposes hereinafter to be named, in sums of five hundred dollars, and payable at such time and place as such board may designate, not exceeding ten years from the date thereof, and redeemable at the pleasure of said school district at any time after the period of five years, with coupons attached, with the fac simile signature of the secretary, bearing interest at a rate not exceeding eight per cent (8 %), and payable semi-annually to bearer. May issue bonds

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the president of said board of trustees, and countersigned by the secretary of said school district, and the seal of the district shall be attached thereto, and the said secretary must keep a correct record and account of all the bonds issued and disposed of under this act. Duties of president and secretary

SEC. 3. *Be it further enacted*, That the said board of trustees are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents, duly authorized or appointed by them, for that purpose, at any meeting of said board, whether at a regular or at a special meeting thereof; and no technical informalities, irregularities, neglect or omission in the proceedings or records of said board, shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper. Authority to trustees.

SEC. 4. *Be it further enacted*, That the said board of trustees are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; but said bonds shall not be sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over to the treasurer of said board of trustees, and to be used and applied to the payment of the debts now existing against said school district, and for erecting and improving school buildings, and furnishing the same for the use of said school district; the payment and application of said proceeds to be under the direction and by authority of said board of trustees, and the said treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other funds or money, in his hands as such treasurer; and there shall be no commission paid the said treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said board of trustees, or any member thereof, to apply the proceeds of the sale of any of the bonds issued by authority of this act, to any other purpose than that herein specified.

SEC. 6. *Be it further enacted*, That for the better securing of the payment of said bonds, at maturity, the said board of trustees may execute, to a trustee or trustees, or in such manner or form as may be deemed best for the school district, a mortgage upon all the real estate belonging to said school district, whether acquired by donation or otherwise, including the Gordon school building and the lot upon which it is located, or so much of such real estate as they may deem necessary; and said mortgage may be signed and executed by the president, or in such manner as the board may direct.

SEC. 7. *Be it further enacted*, That before entering upon the duties and powers under this act, the treasurer of said board shall execute a good and sufficient bond, in the sum of ten thousand dollars, conditioned to perform the duties and exercise the powers hereby imposed and granted him. Said bond shall be ap-

proved by the board of trustees of said school district, and payable to said school district; and unless said bond be given and approved, as set forth above, the board of trustees of said school district shall select some other member of the board to act under this act, and perform all the duties and exercise all the powers provided by this act for the treasurer of said board, and subject to the same provisions provided for the treasurer by this act.

When trustee  
may act as  
treasurer

SEC. 8. *Be it further enacted*, That the powers herein granted or contained, may be exercised immediately after the approval of this act by the governor.

Approved December 9, 1890.

46]

AN ACT

[H. 29

To amend section two (2) and five (5) of an act entitled an act to establish a new charter for the City of Gadsden, approved January 27, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two (2) of an act entitled An act to establish a new charter for the city of Gadsden, approved January 27, 1883, be and the same is hereby amended so as to read as follows: Section 2. *Be it further enacted*, That the corporate limits of said city of Gadsden shall be included within the following boundary lines: Commencing at the point on the east bank of the Coosa river, where the northern boundary line of the southwest quarter of the southwest quarter of section ten (10), township twelve (12), range six (6) intersects said east bank of Coosa river; thence in a westerly direction along the northern boundary line of the south half of the southeast quarter of section nine (9), and along the northern boundary line of the south half of the southwest quarter of said section nine; and also along the northern boundary line of the southeast quarter of the southeast quarter of section eight (8) to the point where said northern boundary line intersects Black Creek; thence up said creek with its meandering to

Boundary  
lines

Boundary  
lines

the point where said creek intersects the western boundary line of the southeast quarter of the northwest quarter of section eight (8); thence in a northerly direction along the western boundary line of the east half of the northwest quarter of section eight (8); and along the western boundary line of the east half of the southwest quarter of section five (5), and along the western boundary line of the east half of the northwest quarter of section five (5); and also along the western boundary line of the southeast quarter of the southwest quarter of section thirty-two (32), township eleven (11), range six (6), to the northwest corner of the southeast quarter of the southwest quarter of said section thirty-two (32); thence in an easterly direction along the northern boundary line of the southeast quarter of the southwest quarter of said section thirty-two (32), and along the northern boundary line of the south half of the southeast quarter of said section thirty-two (32), and along the northern boundary line of the south half of the southwest quarter of section thirty-three (33), and along the northern boundary line of the south half of the southeast quarter of said section thirty-three (33), and along the northern boundary line of the south half of the southwest quarter of section thirty-four (34), and along the northern boundary line of the southwest quarter of the southeast quarter of said section thirty-four (34), to the northeast corner of the southwest quarter of the southeast quarter of said section thirty-four (34); thence in a southerly direction along the eastern boundary line of the southwest quarter of the southeast quarter of said section thirty-four (34), and along the eastern boundary line of the west half of the northeast quarter of section three (3), township twelve (12), range six (6), to the point where said eastern boundary line intersects the east bank of the Coosa river; thence along the said east bank, following the meanderings of the river, to point of beginning; which said boundaries shall not be enlarged or diminished, or in any way changed or altered, except by the legislature. Said city shall be divided by its corporate authorities into five wards, whose boundaries shall be fixed by ordinances of the board of mayor and aldermen; and the boundaries of



said wards may be altered or changed, as the corporate authorities may see fit.

SEC. 2. *Be it further enacted*, That section five (5) of an act entitled an act to establish a new charter for the city of Gadsden, approved January 27th, 1883, be and the same is hereby amended so as to read as follows: Section 5. *Be it further enacted*, That said elections shall be held at the court house in Gadsden, where voters otherwise qualified under this act shall register, produce and surrender certificate of registration and vote, but the corporate authorities of Gadsden may appoint additional polling places, not to exceed one in each ward, in which event each elector shall register, produce and surrender certificate of registration, and vote in the ward of his residence; and if a smaller number of polling places than one in each ward be created, then persons qualified to vote, in whose wards are no polling places, shall be entitled to vote at the court house in Gadsden, according to the regulations prescribed for voting under this act. Each qualified voter shall be entitled to vote for five aldermen, one alderman for each ward of the city. Both mayor and aldermen shall be elected by the voters of all the wards.

SEC. 3. *Be it further enacted*, That all laws, or parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 9, 1890.

47]

AN ACT

[H. 141

To make the fees of bonded constables in the counties of Tuscaloosa, Madison, Etowah, St. Clair, Coosa, Clay, Chambers, Macon, Elmore, Russell, Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Fayette, Bibb, Escambia, Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Lauderdale, Limestone, Winston, Bullock, Baldwin, Marshall and Lawrence the same as sheriffs' fees when they perform the same or similar services.

Fees of bonded  
constables

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on and after the passage of this act the fees of bonded constables in the counties of Tuscaloosa, Etowah, St. Clair, Coosa, Clay, Madison, Chambers, Macon, Elmore, Russell, Henry, Colbert, Lee, Dallas, Cherokee, Pickens, Chilton, Calhoun, Fayette, Bibb, Escambia, Crenshaw, Cleburne, Talladega, Tallapoosa, Morgan, Blount, Pike, DeKalb, Lauderdale, Limestone, Winston, Bullock, Baldwin, Marshall and Lawrence shall be the same as the sheriffs' fees, when performing, the same or like services; *Provided,* That in civil causes in which the amount in controversy is less than twenty dollars, the constables shall not receive for their services therein greater fees than are now allowed them by section 3690 of the code.

Laws in conflict  
repealed

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 9, 1890.

48]

AN ACT

[s. 44

To amend section 750 of the Code, so far as the same applies to the counties of Lamar, Fayette, Marion and Franklin.

Time to open  
circuit court

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 750 of the code, be, and the same is hereby amended so as to read as follows: Section 750. *When courts to be open.*—The courts of the several judicial circuits shall not be opened before noon of the first Monday of each term, except in the counties of Lamar, Fayette, Marion and Franklin, whose courts may open any time after ten o'clock in the morning of said first Monday.

Approved December 9, 1890.

49]

## AN ACT

[s. 32

To amend an act entitled an act to incorporate the town of Courtland in the county of Lawrence, approved December 16, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to incorporate the town of Courtland in the county of Lawrence, approved December 16, 1873, be amended so as to read as follows: The corporate limits of said town shall be as follows, to-wit: beginning at the southeast corner of lot No. 333 in said town, running north on a straight line to the northwest corner of lot No. 297, thence east on a straight line to the northeast corner of lot No. 294, thence south on a straight line to the southeast corner of lot No. 287, thence west on a straight line to the initial point, the area contained being exactly co-extensive with the platted lots of said town according to the original survey thereof; *Provided*, That the police of said town shall have the right to make arrest within the corporate limits of said town. Corporate limits  
Police may arrest

Approved December 9, 1890.

50]

## AN ACT

[s. 18

To amend and confirm the charter of Ft. Payne Coal and Iron Company, a corporation organized under the General Incorporation laws of the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the said Ft. Payne Coal and Iron Company shall have the power to borrow and lend money; to guarantee indebtedness for persons and corporations; to build, own, rent and otherwise lawfully use buildings of any kind or description; to issue bonds in amount not exceeding five million dollars, bills, mortgages, notes and securities in any form authorized by law, except notes or bills intended to circulate as money; and to take stock in other corporations. Nothing in this act shall be construed to Powers

authorize said company to engage in the business of banking or insurance.

Approved December 9, 1890.

51]

AN ACT

[s. 17

To amend section 1476 of the Code.

Apprenticing  
minor

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1476 of the code of Alabama be, and the same is hereby amended so as to read as follows, viz: 1476 (1745) *Parent or person having control of child notified*.—The probate judge must notify the minor's father, or his mother if he have no father, or the person having the custody or control of such child if he have no father or mother, when such father or mother or person having the control of such child is living in the State of Alabama, of the proceedings to apprentice such minor, and the father or mother, or the person having the custody and control of such minor may, by proof, show his or her ability to support the minor, or that the proposed master is an unsuitable person.

Approved December 9, 1890.

52]

AN ACT

[H. 150

To provide for the holding of the Circuit Courts in the counties of Covington, Conecuh, Pike and Butler.

Circuit court  
Covington  
Conecuh  
Pike

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit courts in the counties of Covington, Conecuh, Butler and Pike shall be held at the respective court-houses thereof in each and every year as follows. (1) In the county of Covington, on the last Monday in February and August, and may continue two weeks. (2) In the county of Conecuh, on the second Monday after the fourth Mondays in March and September, and may continue three weeks at each term. (4) In the county of Pike, on the fifth Mon-

days after the fourth Mondays in March and September, and at each term may continue three weeks. In the county of Butler, on the eighth Mondays after the fourth Mondays in March and September, and may continue four weeks at each term.

Approved Dec. 9, 1890.

53]

## AN ACT

[s. 86.]

To regulate the disposition of fines arising from prosecutions under the laws of this State for Cruelty to Children and Animals.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all fines, penalties and forfeitures imposed and collected in any county in this State under the provisions of every act passed, or which may be passed, relating to, or in anywise affecting children or animals, except when otherwise provided, shall enure to the duly incorporated society for the prevention of cruelty to animals, organized in such county, in aid of the purpose for which it was incorporated and of the efficient enforcement of the laws against cruelty to children and animals.

Disposition  
of fines for  
cruelty to  
animals

SEC. 2. *Be it further enacted*, That the provisions of this act shall apply only to such counties in which such societies exist or may hereafter exist, *Provided*, That the counties of Marion, Franklin, Fayette and Lamar be excepted from the operations of the bill.

Approved December 9, 1890.

54]

## AN ACT

[s. 9]

To amend an act to allow constable of Troy beat, Pike county and the constable of beat number 21 in Jefferson county, Alabama, to appoint deputies, approved February 12th, 1885.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the bonded constable of Troy beat Deputy con-  
stables

number 1 in Pike county, and the bonded constable of Birmingham beat number 21 in Jefferson county, and the bonded constable of Elyton beat number 9 in Jefferson county, Alabama, be, and they are hereby authorized and empowered to appoint one or more deputies with like powers and duties as themselves, said constables to be responsible for their official acts as in the case of the sheriffs of the several counties of this State.

Approved December 9, 1890.

55]

AN ACT

[s. 69

To confirm the incorporation and organization of the Prattville Cotton Mills, and to define, declare and enlarge the powers of said company, and to change the name of the same.

Corporate  
name  
changed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of the Prattville Cotton Mills, heretofore had under the general laws of the State, and by and under proceedings had in the Probate Court of the county of Autauga, be and the same are in all things confirmed, and that the corporate name of the same shall hereafter be, "The Prattville Cotton Mills and Banking Company."

Rights, pow-  
ers, etc

SEC. 2. *Be it further enacted*, That said corporation shall have and possess all the rights, powers, franchises, privileges and immunities conferred by the general laws of the State on private corporations organized for manufacturing commercial or other industrial business. And all general laws applicable to such private corporations shall be and are hereby made applicable to said corporation, the said Prattville Cotton Mills and Banking Company.

May issue  
bonds

SEC. 3. *Be it further enacted*, That said Prattville Cotton Mills and Banking Company, by that name may sue and be sued, plead and be impleaded in all the courts of this State and elsewhere; may contract and be contracted with; may purchase, own, hold, sell and convey property, real, personal and mixed; may



borrow money and issue bonds of the corporation therefor, and loan money and take security for the same, and shall have a common seal and may alter or change the same at pleasure, and may make and prescribe such rules, regulations and by-laws as it may see fit with reference to its affairs, not inconsistent with the laws of this State.

SEC. 4. *Be it further enacted*, That the capital stock of said corporation shall not exceed five hundred thousand dollars, and the same shall be divided into shares of one thousand dollars each, and said corporation shall prescribe how said stock shall be issued and transferred, the number of votes to which each share shall be entitled, and how the same shall be represented, and may make such by-laws, rules and ordinances, adopt a constitution and pass such resolutions, and the same to repeal, alter or amend from time to time as it may deem expedient, useful or necessary for carrying on and managing the business of said corporation not contrary to the law of the land. Capital stock

SEC. 5. *Be it further enacted*, That said corporation shall have power to elect a board of directors and such other officers as it may deem necessary for conducting and managing its business, and may invest the board of directors with power of electing any such officers, and may prescribe and define the authority, powers and duties of all such officers, and board of directors, and may require any and all of them to give bond or bonds to the corporation for the faithful discharge of the duties of their offices. Board of directors

SEC. 6. *Be it further enacted*, That said corporation shall have power to erect and enlarge such buildings as it may deem necessary to carry on the business of said corporation, and to furnish said buildings with all the machinery necessary to manufacture cotton or woolen fabrics of whatever kind, quality or quantity, and to erect or construct dams, water flues, boilers and steam engines, and to manufacture either with steam or water power, or both combined, cotton and wool into thread, yarns, rope, cloth, bagging or any other fabric, and to sell or dispose of the same in any manner said corporation may deem proper, and to do all acts and things necessary and proper in the management and operation of a cotton and woolen factory. Kind of business

SEC. 7. *Be it further enacted*, That said corporation is hereby empowered to purchase and sell dry goods, groceries, provisions and family supplies of all kinds, and to carry on a general mercantile business, and to do all acts incident to the same.

Banking

SEC. 8. *Be it further enacted*, That said corporation shall be empowered to discount bills, notes or other evidences of debt, to receive and pay out deposits with or without interest, to receive on special deposit money or bullion or foreign coins, or stock or bonds, or other securities; to buy or sell foreign or domestic exchange, gold and silver bullion or foreign coins, bonds, stock, bills of exchange, or other negotiable paper; to loan money on personal security or upon pledges of bonds, stock or negotiable security; to take and receive security by mortgage or otherwise on property real or personal, and to do all acts necessary and incident to a private banking business.

Liability of  
stockholder

SEC. 9. *Be it further enacted*, That no stockholder in said corporation shall be held personally liable for any debt of said corporation beyond or otherwise than for the unpaid stock held by him or her.

Place of busi-  
ness, etc

SEC. 10. *Be it further enacted*, That the principle business office of said corporation shall be located in the town of Prattville, and that the term of the continuance of this charter shall be fifty years, subject, however, to be extended, altered, amended or repealed by the General Assembly of the State.

Approved December 9, 1890.

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AN ACT

[s. 63

To incorporate Tennessee River, Ashville and Coosa Railway Company, and to further the construction thereof.

Name

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Andrew Johnson, Leroy F. Box, James A. Embey, Fred E. Embick and George W. Lents, and their associates, be, and they are hereby constituted a body politic and corporate by the name of the Tennessee River, Ashville and Coosa Railway

Company, and by that name, or by such other name as the stockholders, after their organization, may adopt, are hereby authorized to sue and be sued, to make a common seal, the same to break, alter and renew at pleasure, to have and to hold real and personal property, for the present and future business and purposes of such company, as well as such other property real or personal, stocks or shares in any other corporation as said company may otherwise acquire, by purchase, gift, devise or donation, for investment, or development, to sell, lease, convey and develop any and all of said property it may acquire, and generally to have, enjoy and exercise all the rights, powers and privileges necessary to reap a pecuniary benefit from said property; to make rules, regulation and by-laws for the management and direction of such corporation, and to do all other acts not contrary to the constitution and laws of this State necessary for the full carrying out of the objects and purposes of this act. Rights, powers, etc

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines of tracks of rails, from the town of Ashville in the county of St. Clair, State of Alabama, in a northwesterly direction to the city of Decatur, Alabama, or to some other point on the Tennessee River in said State, which said company may hereafter select, and in a southeasterly direction from said town of Ashville to the Coosa river, at or near the place where the bridge of the East and West Railroad Company of Alabama is now built across said river, or to some other point on said river hereafter to be selected by said corporation. The said corporation shall have the right to extend its line or lines of railroad to the State line in the direction of Brunswick, State of Georgia, or in any direction, and to any place within the State of Alabama. It shall also have the right to build branch lines of road from its main track in any direction, and to any place within the State of Alabama, and on such railroad and such branches as it shall construct, to further the interest thereof said company is authorized to take and carry for hire persons and property by the power and force of steam, animal or other mechanical power, or combination of them; *Pro-* Railroad

*vided*, that said company shall not be required to build any greater portion of its said road, as above authorized, than it may from time to time find to its interest to do so.

Right of way      SEC. 3. *Be it further enacted*, That for the purpose of constructing said railroad and its branches, the said company is hereby authorized to lay out the same not exceeding one hundred feet wide, and may acquire the right of way for such railroad and branches by gift, by purchase from the owner, or by proceeding of *ad quod damnum* as required by the constitution; but said company may previously enter upon any land for the purpose of surveying, locating and laying out its railroad and branches; and said company may acquire by gift, grant or purchase, real estate, and erect such structure thereon as may be necessary or convenient for its business, and may sell or lease any such real estate not required for its business.

Real estate

Street rail-      SEC. 4. *Be it further enacted*, That said company may construct, equip, use, and operate street railroads on and along the streets, avenues, alleys and public grounds in said town of Ashville; *Provided*, That said railway company, before constructing any street railroads in any streets, avenues, alleys, or public grounds, in said town of Ashville, where the right to construct the same has not heretofore been granted by the corporate authorities of said town, shall first obtain the consent of the corporate authorities of said town, to the construction and operation of said street railroads, and nothing, in this act shall be so construed as to impair or abridge the power and authority of the corporate authorities of said town over the streets, avenues, alleys and public grounds thereof; *And provided further*, that nothing in this act shall be construed as to prevent any other person or corporation from constructing and operating any line or lines of street railroad in any of the streets, avenues, alleys or public grounds in said town of Ashville, to the same extent and in the same manner as provided in this act, and herein conferred on said railroad company.

Street rail-  
roads

May pur-      SEC. 5. *Be it further enacted*, That said company in chase or      lien of constructing any portion of its line or branches, lease other      may purchase or acquire, by gift or lease for a term of railroads      not exceeding one hundred years, the roadbed of any

other railroad or any portion of such other railroad, the line of which may be located in whole or in part along the line of its proposed railroads or branches, or said company may make common stock, or may make any other lawful contract whereby it may sell or lease, as aforesaid, to such other company, any or all of its said railroad or branches and the franchises thereof.

SEC. 6. *Be it further enacted*, That said company is authorized to connect with, or cross the tracks of other railroads with its main line, or by branches, or switches, or crossings, whenever it may deem it necessary or proper for it to do so. The said railroad company may make traffic arrangements or contracts for a joint use of its tracks or switches, depots or other property necessary for the operation of said railroad; and said company is hereby authorized, whenever it may deem it advantageous so to do, to own 'busses, hacks, baggage and mail wagons, and to operate the same in connection with its railroad, at any place where it may be deemed necessary by said company for the public accommodation, or to make transfer connections, or said company may, either separately, or jointly with other railroad companies, contract with one or more responsible parties, at principal stations, for the prompt and ready acceptance at all trains, of a sufficient number of 'busses, hacks, baggage and mail wagons, for the transfer of all mails, passengers, or baggage, and such other companies are hereby authorized to enter into such joint contract.

Conne't with  
other roads

Omnibusses,  
hacks, etc

SEC. 7. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location, or whenever the topography of the locality may require, the said railroad companies may cross or build along the right-of-way of any other railroad, for a consecutive distance of not exceeding in any case ten miles; and said railroad or branches may be built along or across any of the public highways or roads of the country, or across or along any of the streets of any incorporated town or city which may lie on its route, and through which it may be necessary to pass, or across any of the navigable waters along the line or lines of its routes; *Provided*, that said highways, roads and streets shall, after the construction of said railroad thereon, or thereover, be restored to as good condition

Right of way



as practicable. *Provided, further*, that in crossing any river on its route, or branches at any point navigable for boats or barges engaged in commerce, they shall place there a draw bridge, giving a passage of not less than sixty feet. *Provided, further*, that in such case the right-of-way along or over the right-of-way of any other such railroad, shall be condemned under the forms of law as now provided, and the consent of incorporated towns and cities shall be first had and obtained to the use of streets and alleys for such right-of-way, before the same shall be so used and occupied.

Capital stock      SEC. 8. *Be it further enacted*, that the capital stock of said company shall be three millions of dollars, but may be increased by a vote of a majority of the stock represented at any stockholders' meeting, called for that purpose, to not exceed five millions of dollars; said capital stock shall be divided into thirty thousand shares, of one hundred dollars per share. Said capital stock shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company shall direct.

Board of directors      SEC. 9. *Be it further enacted*, That the powers of said company shall be vested in a board of directors of not less than three nor more than eleven, to be elected as hereinafter provided, and such other officers and agents as said directors shall appoint or authorize.

Subscription to stock      SEC. 10. *Be it further enacted*, That subscriptions to the capital stock of this company shall be taken, payable in money or its equivalent in labor or property, at its reasonable value, or the stock of other companies, which property or stock, or the labor to be performed, must be transferred or performed by a time to be fixed by the board of directors, elected at the organization of said company.

Organization      SEC. 11. *Be it further enacted*, That when seventy-five thousand dollars shall have been subscribed to the capital stock of said company by the *bona fide* subscribers, the board of incorporators shall call the subscribers together by notice given, in such manner as they shall direct, for the purpose of organization; and the majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by the election from among the stockholders themselves, by a majority of



the stock represented, not less than three nor more than eleven directors, to manage and control the affairs of the company for the ensuing year, or until their successors are elected and qualified. Said successors shall be elected in a similar manner. The directors then elected shall elect from their number a president, vice-president, general manager, and such person or persons as they may see fit, for secretary and treasurer, to serve for such a period, and under such conditions as the by-laws may direct. They may employ such other assistants, and the same to discharge at pleasure, and may take sufficient bonds or other securities to cover all responsibilities imposed upon them. They shall enact suitable by-laws and regulations for the management of the affairs and business of said company.

Election of  
directors  
and other  
officers

SEC. 12. *Be it further enacted*, That upon the organization of the company, the board of incorporators shall turn over to the board of directors, all money or other property, or written agreements to transfer or convey property which they are hereby empowered to take, received by them on subscriptions, together with all bonds, lists, notes, obligations, papers, records taken and made by them in the organization of the company; and, henceforth, all such books, papers, lists, notes, obligations, records, money and property shall be the property of the company as if taken and made by themselves. Said board of directors shall also have the power to require to be paid the sums subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such instalment, the shares of such delinquent may be sold at public auction under such rules and upon such notice as the directors may previously prescribe; the surplus, if any, from the proceeds of sale, after the payment of the balance due for such shares shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting by proper proceedings at law the amount due on any subscriptions, or enforcing said written agreements for the transfer of property.

Duty of cor-  
porators

Collection of  
subscripti-  
to stock

SEC. 13. *Be it further enacted*, That said company may borrow money for the purpose of carrying out the

May borrow money objects of this charter, and may make notes, bonds or other evidences of debt, and by a vote of a majority of its stockholders present, had at a meeting called for the purpose in such manner as the board of directors may see proper, may secure the payment of notes, bonds or other evidences of debt, by a mortgage or deed of trust on its franchises, and any or all of its property, both real and personal.

Telegraph SEC. 14. *Be it further enacted*, That said company may construct and operate a telegraph line or lines along and upon any and all portions of its right of way of its main line or branches, both for its own use, and for doing a public telegraph business, but said company shall not be compelled to do a public telegraph business on its said line unless it so desire.

Parks, lakes, etc SEC. 15. *Be it further enacted*, That said company may own parks, lakes, resorts, places of amusement, or for exercise or recreation, hotels, restaurants and other grounds and buildings of like character, and may construct or operate the same by its officers and servants, or lease out the same to other persons.

Privileges SEC. 16. *Be it further enacted*, That said company may exercise and enjoy all the rights, powers and privileges conferred by the general laws of this State, except those in conflict with this act.

SEC. 17. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 9, 1890.

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AN ACT

[s. 128

To provide for the assessment and collection of taxes in the County of Tallapoosa, for the years 1891 and 1892.

Separate taxing district SECTION 1. *Be it enacted by the General Assembly of Alabama*, That said county is hereby created into a separate taxing district in which state taxes and the taxes imposed by this act, to provide the means of local government therein, shall be assumed and collected as herein provided.

SEC. 2. *Be it further enacted*, That James A. Germany shall be the tax commissioner for Tallapoosa county, to assess and collect the taxes, to be assessed and collected under the provisions of this act for state and county purposes in said county, for the years 1891 and 1892. Tax commissioner

SEC. 3. *Be it further enacted*, That said commissioner before entering on the discharge of his duty shall take and subscribe the official oath prescribed by the constitution, and shall enter into bond with good and sufficient sureties, payable to the State of Alabama, in such penalty as the governor may appoint, with condition for the faithful performance of his duties, which said bond shall be approved by the governor, recorded in the office of secretary of state, and filed in the office of the auditor, and shall be obligatory on the principal and sureties therein for the breach of the condition thereof during the time the principal continues in office or discharges any of the duties thereof: and the governor may from time to time, whenever he deems it expedient, require such commissioner to make and execute additional bond or bonds. Upon any of said bonds, the state, or any person who may be injured by the failure of such commissioners to perform the duties required of him by law, or by improper or neglectful performance of such duty, may maintain suits in law or in equity, and a single recovery shall not discharge said bond or bonds, but from time to time proceedings may be instituted thereon until the penalty shall be satisfied. Official bond

SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioner in and for the district for which he is appointed to assess the state taxes for the years 1891 and 1892, in the same manner and under the same regulations in and under which the county assessors of taxes is required by law to assess state taxes, and all laws applying to assessors shall be applied to said commissioner, and the commissioner shall have all the powers and authority general or special which is conferred upon the assessor of taxes. When such assessment is completed, it shall be the duty of said commissioner to file the same in the office of the judge probate of the county, and after giving Assessment

Correction  
of errors

thirty days notice, the judge of probate and any two of the county commissioners shall in the presence of the commissioner, examine the said assessment, and correct any errors that may be found therein and upon the complaint of any tax payer, shall inquire into and correct any injustice which may have been done him in such assessment. When such assessment shall have been so examined and corrected the said commissioner shall note such corrections therein, and the same shall be certified to by him and by said judge of probate. Thereafter the said commissioner shall proceed to collect the said taxes so assessed in the mode and manner and under the same regulations and restrictions in and under which the tax collectors are required to collect state taxes.

Collection

County tax

SEC. 5. *Be it further enacted*, That the said commissioner shall levy and collect a tax of one-half of one per centum on the value of all taxable property assessed for taxes to the state to pay the current expenses of the county for the year, and he shall give to each taxpayer a separate receipt for such county tax when the same is paid; and he shall make to the judge of probate of the county on the first day of every month, or within three days thereafter, a report in writing showing the amount of such county taxes collected by him within and during the preceding month, stating therein the name of each taxpayer, and the amount received from him, and the aggregate amount shall be passed into the county treasurer upon the certificate of such probate judge; and the said commissioner shall on the first day of each month or within three days thereafter, make a report to the auditor of the amount of state taxes collected by him within and during the preceding month, stating therein the name of each taxpayer, and the amount of tax paid on real or personal property, and the aggregate amount of the tax so collected shall be passed into the state treasury upon the certificate of the auditor.

Monthly re-  
ports

Report to  
Auditor

SEC. 6. *Be it further enacted*, That said commissioner shall, on the first day of each month or within three days thereafter, make a report in writing to the state auditor, showing in such report the state taxes which have been collected by him within and during

the preceding month, the persons from whom collected, and stating separately the amount of taxes received on real and personal property, showing also the amount of county taxes collected and received by him, and the persons from whom collected and received; and shall pay into the state treasury the state taxes so collected which shall be passed into the treasury upon the certificate of the auditor stating the amount thereof, and it shall be the duty of the auditor to certify to the judge of probate a statement of the amount of the amount of county taxes as collected and received by said commissioner, and upon the certificate of such judge, the same shall be paid into the county treasury. The said commissioner must attend at some convenient place in each election precinct in the county, after having given thirty days notice of the time and place for the purpose of receiving taxes. The said notice may be given by advertisement in some newspaper published in the county for three successive weeks, or by posting bills at three or more public places in each precinct, and until after such notice has been given and the said commissioner has attended at the time and place appointed no taxpayer shall be regarded as delinquent.

Appointm'ts  
in county

SEC. 7. *Be it further enacted*, That after the said commissioner shall have attended each election precinct as provided for in the preceding section, all taxpayers remaining in default in the payment of the taxes which the said commissioner is hereby authorized to receive and collect, shall be regarded as delinquent, and the said commissioner shall have full power and authority to proceed in the collection of said taxes as tax collectors are authorized to proceed under the laws of this state, and may levy upon and sell personal or real property for the payment of such taxes and the cost and expenses of such sale, in the same mode in which the tax collectors are authorized to proceed to levy and sell.

Delinquent  
taxes

SEC. 8. *Be it further enacted*, That the power of the court of county commissioners to levy taxes for the current expenses of said county for the years 1891 and 1892 is hereby taken away and divested, and no power to levy such taxes shall be exercised otherwise than

No other  
taxes

How collec- is herein provided, and the taxes levied in accordance  
tions to be with the provisions of this act for the current expenses  
used of the said counties, shall not be appropriated to any-  
other purpose than to the payment of such expenses, as  
current expenses pay debts before contracted, for or-  
dinary county expenses and compromise of outstand-  
ing bonded indebtedness, if said bonded indebtedness  
can be compromised at less than nineteen cents on the  
dollar. That there shall be no assessment of taxes for  
state purposes in said county for the years 1891 and  
1892 by any other person than the said commissioner  
in accordance with the provisions of this act.

Compensa- SEC. 9. *Be it further enacted*, That the compensa-  
tion of said commissioner shall be five per centum on  
the aggregate amount of taxes collected and received  
by him; which said compensation shall be paid, three-  
fourths by the state, on the warrant of the auditor on  
the state treasurer; and one-fourth upon the warrant  
of the probate judge on the county treasurer. But in  
no event shall such compensation for the collection of  
taxes of any year, state and county, or for the assess-  
ment, levy and collection of taxes, state and county,  
for any one year, exceed in the county of Tallapoosa,  
one thousand and two hundred dollars.

Power of SEC. 10. *Be it further enacted*, That the governor  
governor shall have power, at pleasure, to remove said commis-  
sioner, and by appointment fill the vacancy caused by  
such removal.

Poll tax SEC. 11. *Be it further enacted*, That it shall be the  
duty of said commissioner to assess and collect the poll  
tax, and to pay over such tax, as tax assessors are now  
required to assess the same, and as collectors are re-  
quired to collect and pay over the same.

Acts not SEC. 12. *Be it further enacted*, That this act shall  
void of the General Assembly of Alabama in relation to said  
county hereinbefore mentioned.

Taxes of SEC. 13. *Be it further enacted*, That nothing in this  
1889-90 act shall prevent R. T. Parker, the present commis-  
sioner, from collecting any taxes remaining uncollect-  
ed for the years 1889 and 1890.

Act remains SEC. 14. *Be it further enacted*, That nothing what-  
in force ever in this act shall be so construed as to alter or re-



peal any part or provision of "An act to provide for the settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa to the State of Alabama, approved February 11, 1889;" but it is hereby expressly declared that said act shall remain in full force and effect.

Approved December 10, 1890.

No. 58.]

AN ACT

[s. 27

To prohibit the selling, giving away or otherwise disposing of any spirituous, vinous or malt liquors, intoxicating beverages or bitters, or fruits preserved in alcoholic liquors, within a half mile, by the most commonly traveled route, of the City Mission Methodist Church, and the Corinthian Baptist Church, in Mobile county; or within that portion of Baldwin county lying north of Louisville and Nashville Railroad; or within eight miles of Oak Grove Church in Pickens county; or within six miles of the Branch Agricultural Station and school at Abbeville, in Henry county; or within seven miles of Emory Chapel Church in Pickens county; or within two miles of Liberty Church in Henry county; or within three miles of Antioch Church, near Elizabeth Postoffice in Coffee county; or within two miles of Shiloh, Pleasant Hill and Friendship Missionary Baptist Churches in Geneva county; or within two miles of Wesley Chapel, Pond Town, Hurricane Creek and Tabernacle M. E. Churches in Geneva county; or within the county of DeKalb; or within two miles of the Industrial High School at Healing Springs in Washington county; or within two miles of Pinetucky Church in Cleburne county; or within five miles of Lafayette College in LaFayette, Alabama, in Chambers county; or within five miles of Mountain Springs Baptist Church, in Chambers county; or within Beat twelve (12) in the county of Butler, except in the corporate limits of the city of Greenville; or within two miles of Daleville Methodist or Baptist Churches in Dale county; or within three miles of Pilgrim Rest Baptist Church and

Mortons Chapel Methodist Church in Etowah county; or within five miles of Oak Grove Church, Fellowship Church, Centre Church and Union Springs Church in Henry county; or nearer New Mount Bethel Church in Cross Roads Beat No. four (4), Township two (2), Range eight (8), in Lauderdale county, than the beat line in every direction from said church; or within three miles in any direction of Hebron Baptist church in Township twenty (20), Range fifteen (15), in Pickens county; or within four miles of Lebanon Church or schoolhouse, in Limestone county; or within four miles of Shady Grove Methodist Church in Pike county; or within two miles of Mount Hope and Livingston Chapel Churches in Cullman county; also within three miles of Bristows Church, situated at Keener in Etowah county; or within three miles of Pleasant Ridge Missionary Baptist Church in Red Ridge Beat 9 in Tallapoosa county; or within two miles of the Methodist Protestant Church at Macedonia in Township 19, Range 22, Tallapoosa county; or within five miles of Holly Pond Baptist Church in Cullman county; or within four miles of O'Neal School House in Limestone county; or within the limits of Perry county, except the towns of Marion and Uniontown; or within five miles of Cumberland Church in Larkinsville, Jackson county; or within the limits of precinct number 10 in Jackson county; or within half a mile of 4 Mile Post Methodist Church in Mobile county.

Liquor pro-  
hibition

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall not be lawful for any person to sell, give away or otherwise dispose of, any spirituous, vinous or malt liquors, intoxicating beverages or bitters, or fruits preserved in alcoholic liquors, within a half mile, by the most commonly traveled route, of the City Mission Methodist Church, and the Corinthian Baptist Church, in Mobile county; or within that portion of Baldwin county lying north of the Louisville and Nashville Railroad; or within eight miles of Oak Grove Church in Pickens county; or within six miles of the Branch Agricultural Station and school at Abbeville, in Hen-

ry county; or within seven miles of Emory Chapel Church in Pickens county; or within two miles of Liberty Church in Henry county; or within three miles of Antioch Church, near Elizabeth Postoffice, in Coffee county; or within two miles of Shiloh, Pleasant Hill and Friendship Missionary Baptist Churches, in Geneva county; or within two miles of Wesley Chapel, Pond Town, Hurricane Creek and Tabernacle M. E. Churches in Geneva county; or within the county of DeKalb; or within two miles of the Industrial High School at Healing Springs in Washington county; or within two miles of Pinetucky Church in Cleburne county; or within five miles of LaFayette College in LaFayette, Alabama, in Chambers county; or within five miles of Mountain Springs Baptist Church in Chambers county; or within Beat twelve (12), in the county of Butler, except in the corporate limits of the city of Greenville; or within two miles of Daleville Methodist or Baptist Churches, in Dale county; or within three miles of Pilgrims Rest Baptist Church and Mortons Chapel Methodist Church in Etowah county; or within five miles of Oak Grove Church, Fellowship Church, Centre Church and Union Springs Church in Henry county; or nearer New Mount Bethel Church in Cross Roads beat number four (4), Township two (2), Range eight (8), in Lauderdale county, than the beat line in every direction from said church; or within three miles in any direction of Hebron Baptist Church in Township twenty (20), Range fifteen (15), in Pickens county; or within four miles of Lebanon Church or schoolhouse in Limestone county; or within four miles of Shady Grove Methodist Church in Pike county; or within two miles of Mount Hope and Livingston Chapel Churches in Cullman county; also within three miles of Bristows Church situated at Keener, Etowah county; or within three miles of Pleasant Ridge Missionary Baptist Church in Red Ridge Beat 9 in Tallapoosa county; or within two miles of the Methodist Protestant Church at Macedonia in Township 19, Range 22, Tallapoosa county; or within five miles of Holly Pond Baptist Church in Cullman county; or within four miles of O'Neal Schoolhouse in Limestone county; or within the limits of Perry county, except

Liquor pro-  
hibition

the towns of Marion and Uniontown; or within five miles of Cumberland Church in Larkinsville, Jackson county; or within the limits of precinct number 10 in Jackson county; or within half a mile of 4-Mile Post Methodist Church in Mobile county; *Provided*, That the provisions of this act shall not be so construed as to prevent the social use of liquors in private families, or wines in churches for sacramental purposes.

Penalty

SEC. 2. *Be it further enacted*, That any person violating the provisions of section one of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars for the first offense, and for each subsequent conviction, in addition to the foregoing fine shall be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months.

Duty of  
grand juries

SEC. 3. *Be it further enacted*, That grand juries presenting indictments against persons who have been previously convicted for a violation of this act, are hereby required to specify in the indictment that the accused has been previously convicted; *Provided*, That the provisions of this act, as to Emory Chapel and Oak Grove Churches, in Pickens county, shall not take effect until July, 1891; and to LaFayette College, it shall not take effect until January 1st, 1891.

Approved December 10th, 1890.

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AN ACT

[H. 317

To provide for the sale or lease of School Indemnity Lands certified to the State of Alabama by the United States, and to provide for the disposition of the proceeds thereof.

School in-  
demnity  
lands; sale  
of

*Whereas*, Under the provisions of an act entitled "an act to authorize the governor to prosecute and secure to the state the benefits resulting from all claims of the State of Alabama against the United States for, or on account of swamp and overflowed lands, other public lands in Alabama sold or otherwise disposed of by

the federal government, and all other claims the state has under existing laws, or may have under laws hereafter enacted," approved February 28, 1887, the governor was authorized to employ an agent or agents to act for the state, to secure to the state from the United States all rights and benefits the state might have, or be entitled, to, under then existing laws, or by any future enactments from or against the United States, whether in relation to public lands or otherwise, and

*Whereas*, By the provisions of said act the governor was authorized to contract that such agent or agents were to be compensated in a measure by a sum stipulated in such contracts out of the proceeds of any claim prosecuted by them, whether in lands, land-scrip, money or other thing in kind or in money received from the sale of lands, land-scrip or other things recovered; and

*Whereas*, In pursuance of said act the governor of this state did enter into a contract with John H. Caldwell, whereby the said John H. Caldwell was employed and authorized for, and in behalf of the State of Alabama, to prosecute all claims of the state against the United States referred to in said act, and was to receive out of the recovery whether in lands or money as his compensation therefor, one-fourth thereof, he paying all the costs and holding the state free from all expense or costs whatsoever; and

*Whereas*, The said Caldwell has, acting upon the authority given to him by said contract, recovered certain land for the use of the several townships in this state in which there was a deficiency in the amount of land heretofore certified to the state for their benefit; and

*Whereas*, It is desirable that the said lands be disposed of so that the proceeds thereof, after paying all the costs and expense of sale and the amount to which the said agent is entitled for his services rendered in the recovery of said lands, may be divided among the several townships entitled to the same according to their respective rights. Now therefore;

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the superintendent of education of this state be, and he is hereby authorized, and empowered to sell and dispose of all the lands which have been

Sale by supt.  
of education

heretofore, or may hereafter, be certified to the state for the use and benefit of the several townships, hereinafter above referred to, subject to the approval of the governor of the state. Such sales shall be made from time to time, at public or private sale, as in the judgment of the said superintendent shall best promote the interest of the school fund of the state, and shall be for cash, or part cash and part on time, as the said superintendent and governor may deem best; *Provided*, That in no case shall there be less than one-fourth of the purchase money paid in cash, and the remainder shall be payable in yearly installments to extend over a period of not more than three years, and shall be secured by notes, with sureties, to be approved by the superintendent of education, which shall bear interest from the date of the sale.

SEC. 2. *Be it further enacted*, That the proceeds arising from such sale, after payment of all the proper costs and expenses of the same, shall be by the said superintendent of education, divided as follows: One-fourth thereof shall be paid over to the said John H. Caldwell, his representatives, or assigns, and the remaining three-fourths shall be paid into the treasury of the state, to the credit of the school fund of the township to which the same may belong. All notes taken by the superintendent of education for the purchase of the lands sold under the provisions of this act shall be held by him until the same are paid; *Provided however*, that if deemed in the opinion of the said superintendent, advisable in taking such notes, he may take separate notes for the proportion thereof, to which said Caldwell is entitled, and shall turn over said notes to him, his representatives, or assigns, taking his receipt therefor.

SEC. 3. *Be it further enacted*, That the provisions of the laws of the State of Alabama, now in force regulating the sale of school lands, shall be applicable to sales had under this act, except in so far as the provisions of said law are inconsistent with the provisions of this act.

SEC. 4. *Be it further enacted*, That the superintendent of education may, with the approval of the governor of the state, lease out any of said lands for a term



not exceeding five years, or may enter into contracts permitting persons to mine iron ore, coal or other minerals therefrom, upon a royalty for a term not exceeding twenty years, and the net proceeds of all moneys received from the lease of such lands, or as a royalty for the minerals mined therefrom, shall at the end of each fiscal year one-fourth be paid over to the said John H. Caldwell, his representatives, or assigns, and the other three-fourths into the state treasury to the credit of the townships to which said lands belong in the proportion of their interest therein.

Approved Dec. 9, 1890.

60]

AN ACT

[H. 144

To amend section 1 of an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections thereon. Approved February 27, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1 of an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections thereon, be amended so as to read as follows, viz.: Section 1. That whenever fifty freeholders or householders in any beat in Randolph and Calhoun counties shall petition the probate judge of said counties, asking that an election be held in said beat to decide whether in said beat stock shall be prohibited from running at large, or whether in said beat sheep, goats and hogs shall be prohibited from running at large, the probate judge shall order an election in such beat at the usual voting place, which said order shall be published in said county, and shall notify the public that an election will be held at the voting place in said beat not less than twenty nor more than thirty days from such publication, specifying the day of election to decide whether in said beat stock shall be prohibited from running at large, or whether in said beat sheep, goats and hogs shall be prohibited from running at large.

Stock law  
elections

The probate judge shall also appoint two managers of such election, one of whom favors and the other opposes such law. At such election, the qualified voters of the beat only shall be allowed to vote, in which such an election is ordered. If the question submitted is whether or not stock shall be prohibited from running at large, then those favoring the running at large of stock shall have on their ballots "Stock at large," and those opposing shall have on their ballots "No stock at large," and if the question submitted is whether or not sheep, goats and hogs shall be prohibited from running at large, then those favoring the running at large of sheep, goats and hogs shall have on their ballots "Sheep, goats and hogs at large," and those opposing shall have on their ballots "No sheep, goats and hogs at large." Said ballots at the close of the election shall be counted by the managers, and the result certified to the probate judge, within two days after said election. If a majority of the votes cast as certified by the managers are in favor of prohibiting stock from running at large or in favor of prohibiting sheep, goats and hogs from running at large (as the case may be) the said probate judge shall enter an order on the minute books of the court of county commissioners, and shall at once publish said order in a newspaper published in said county for two consecutive weeks, and sixty days after such publication the provisions of this act shall apply and be in full force and effect in such beat, and it shall be unlawful in such beat for the owner of any stock to permit such stock to go upon the land or crop of another within the prohibited territory; or if the question voted on is the prohibition of sheep, goats and hogs from running at large, then it shall be unlawful in such beat for the owner of any sheep, goats and hogs, to permit such sheep, goats, or hogs to go upon the land or crop of another within the prohibited territory, and the owner of such stock or such sheep, goats or hogs shall be guilty of a misdemeanor, and upon conviction of such offense, shall be fined not less than five nor more than fifty dollars; and the term stock, where it occurs in this act shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and

Words on ballots

Result certified

Duty of judge of probate

Penalty

pigs, and the expression, "Sheep, goats and hogs," wherever it appears in this act shall be construed to include sheep, lambs, goats, kids, hogs and pigs. *Pro-Randolph* *excepted*  
*vided*, that this act shall not apply to Randolph county.  
 Approved December 9, 1890.

61]

## AN ACT

[H. 70

To authorize the Mayor and Council of the city of Uniontown to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, bearing six per cent. interest payable semi-annually, for the purpose of erecting, or providing said city with water works, and for funding the indebtedness of said city.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and council of the city of Uniontown be and they are hereby authorized to issue bonds of said city of Uniontown to an amount not exceeding twenty-five thousand dollars, for the purpose hereinafter named, in sums of not less than one hundred dollars each, and not more than one thousand dollars each, and payable at such time and place as said board may designate, not exceeding twenty years from the date thereof, and redeemable at the pleasure of said city, at any time after the period of twelve years, with coupons attached bearing six per cent. interest, and payable semi-annually to bearer. *Authorized to issue bonds*

SEC. 2. *Be it further enacted*, That all the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of said city shall be affixed thereto, and the said treasurer is required to keep a correct record of all the bonds issued under this act. *Duties of mayor and treasurer*

SEC. 3. *Be it further enacted*, That the said mayor and council of Uniontown are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent or agents duly authorized or appointed by them for that purpose at *Powers of mayor and council*

any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial papers.

Sale of bonds  
How proceeds to be applied

SEC. 4. *Be it further enacted*, That the mayor and council of said city are hereby empowered and authorized to negotiate and sell such bonds as are issued by them by virtue of this act, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, and to be used and applied for the purpose of erecting water works in said city and supplying the inhabitants of said city and the suburbs thereof with water, and erecting all necessary improvements for the construction of a firstclass system of water works, and for funding the indebtedness of said city, such use, payment and application of said proceeds to be under the direction and by authority of said board of mayor and council, and the treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as other city funds or money in his hands as treasurer, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

Taxes exempt from

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said board of mayor and council, or any member thereof, or for any of the officers of the said city of Uniontown to apply the proceeds of the sale of the bonds issued in pursuance of this act to any other purpose than hereinbefore specified. The bonds authorized to be issued under this act shall be exempt from county, city and town taxes in the said county of Perry.

Approved December 9, 1890.

62]

AN ACT

[H. 255]

To provide for the payment and compensation of the Superintendent of Education of Pike County.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the superintendent of education of Pike county shall receive for his services as such superintendent of education, one hundred dollars per annum as salary, and in addition thereto, two and one-half per cent of all moneys legally disbursed by him. Compensation of county supt. of education

SEC. 2. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Laws in conflict repealed.

Approved December 10, 1890.

63]

AN ACT

[H. 14]

To make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for interest on the Public Debt, and for Public Schools.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following sums of money, or so much of each sum as may be necessary, be and they are hereby appropriated for the purposes hereinafter specified, to be paid out of any moneys in the treasury not otherwise appropriated, for the fiscal years ending respectively on the thirtieth day of September, eighteen hundred and ninety-one, and on the thirtieth day of September, eighteen hundred and ninety-two, to wit: Appropriations

1. For compensation of the governor, three thousand dollars for each year; in all six thousand dollars. Executive officers

2. For compensation of the secretary of state, eighteen hundred dollars for each year; in all three thousand six hundred dollars.

3. For compensation of the state auditor, eighteen hundred dollars for each year; in all three thousand six hundred dollars.

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4. For compensation of the state treasurer, twenty-one hundred dollars for each year; in all four thousand two hundred dollars.
5. For compensation of the attorney general, fifteen hundred dollars for each year; in all three thousand dollars.
6. For compensation of the superintendent of education; twenty-two hundred and fifty dollars for each year; in all four thousand five hundred dollars.
- Secretaries 7. For compensation of the governor's private secretary, fifteen hundred dollars for each year; in all three thousand dollars.
8. For compensation of the governor's recording secretary, fifteen hundred dollars for each year; in all three thousand dollars.
- Clerks 9. For compensation of one clerk in the office of the secretary of state, fifteen hundred dollars for each year; in all three thousand dollars.
10. For compensation of three clerks in the office of state auditor, fifteen hundred dollars each for each year; in all nine thousand dollars.
11. For compensation of two clerks in the office of state treasurer, fifteen hundred dollars each for each year; in all six thousand dollars.
12. For compensation of two clerks in the office of superintendent of education, fifteen hundred dollars each for each year; in all six thousand dollars.
13. For compensation of temporary clerks in the executive offices, one thousand dollars for each year; in all two thousand dollars.
- Messenger 14. For compensation of messenger in the executive office, three hundred dollars for each year; in all six hundred dollars.
- Servants 15. For compensation of three servants in the executive offices, three hundred dollars each for each year; in all eighteen hundred dollars.
- Keeper of Capitol 16. For compensation of keeper of the capitol, one hundred and fifty dollars for each year; in all three hundred dollars.
- Watchmen 17. For compensation of three watchmen at the capitol, nine hundred dollars each for each year; in all fifty-four hundred dollars.



18. For compensation of the chief justice and three associate justices of the supreme court, thirty-six hundred dollars each for each year; in all twenty-eight thousand eight hundred dollars. Supreme court justices, etc

19. For compensation of marshal of the supreme court and librarian, fifteen hundred dollars for each year; in all three thousand dollars.

20. For compensation of assistant librarian, three hundred dollars for each year; in all six hundred dollars.

21. For compensation of the reporter of the supreme court decisions, nine hundred dollars for each volume reported and published.

22. For compensation of the secretary of chief justice, fifteen hundred dollars for each year; in all three thousand dollars.

23. For compensation of one servant for the supreme court, three hundred dollars for each year; in all six hundred dollars.

24. For compensation of ten circuit court judges, twenty-five hundred dollars for each judge for each year; in all fifty thousand dollars. Circuit court judges

25. For compensation of four chancellors, twenty-five hundred dollars for each chancellor for each year; in all twenty thousand dollars Chancellors

26. For compensation of ten solicitors, three thousand dollars for each solicitor for each year, and one solicitor at fifteen hundred dollars for each year; in all sixty-three thousand dollars. Solicitors

27. For fuel, lights, and water, used in the capitol for the year ending September 30, 1891, twenty-five hundred dollars. And for the year ending September 30, 1892, fifteen hundred dollars; in all four thousand dollars. Fuel, lights and water

28. For stationery, postoffice box rent, and postage for the executive offices, thirty-five hundred dollars, for the fiscal year ending September 30, 1891, and twenty-five hundred dollars for the fiscal year ending September 30, 1892; in all six thousand dollars. Stationery and postage

29. For insurance on the capitol building, the furniture therein, and the library, eight hundred dollars for each year, in all sixteen hundred dollars. Insurance

- Public printing 30. For public printing and binding, including the reports of heads of the departments, reports of state institutions, supreme court decisions, geological surveys, acts and journals of the general assembly, advertisements and proclamations, and all other printing done in pursuance of law, for the year ending September 30, 1891, twenty thousand dollars, and for the year ending September 30, 1892, ten thousand dollars; in all thirty thousand dollars.
- Arrest of felons 31. For arrest of absconding felons twenty-five hundred dollars for each year; in all five thousand dollars.
- Removal of Prisoners 32. For removal of prisoners, ten thousand dollars for each year; in all twenty thousand dollars.
- Feeding prisoners 33. For feeding prisoners in the county jails, seventy thousand dollars for each year; in all one hundred and forty thousand dollars.
- Contingent expenses 34. For incidental and contingent expenses to be disbursed upon order of the governor, five thousand dollars for each year; in all ten thousand dollars.
- General Assembly 35. For per diem and mileage of senators and representatives in the general assembly, compensation of officers, and employees of the senate and house of representatives and incidental expenses of the session of 1890-91, for the fiscal year ending September 30, 1891, fifty thousand dollars.
- Distributing Acts, etc 36. For distributing the acts and journals of the general assembly of 1890-91, codes, and other public documents, for the fiscal year ending September 30, 1891, six hundred dollars, and for the year ending September 30, 1892, four hundred and fifty dollars; in all ten hundred and fifty dollars.
- Public schools 37. For the support of the public schools, three hundred and fifty thousand dollars for each year, being for the fiscal years ending September 30, 1892, and 1893, respectively; in all seven hundred thousand dollars.
- Interest on School funds 38. For interest on the university fund, twenty-four thousand dollars for each year; in all forty-eight thousand dollars.
39. For interest on agricultural and mechanical college bonds, twenty thousand two hundred and

eighty dollars, for each year; in all forty thousand, five hundred and sixty dollars.

40. For interest on the sixteenth section fund, valueless sixteenth section fund, and surplus revenue fund, for the public schools, one hundred and forty-five thousand dollars for each year; in all two hundred and ninety thousand dollars.

41. For interest on bonded debt of the state, embracing class A bonds of 1876, class B bonds of 1876, and class C bonds of 1876, and the four per cent. funding bonds of 1890, three hundred and eighty thousand dollars for each year; in all seven hundred and sixty thousand dollars. Boned debt

42. For the compensation of the secretary of the senate, and the clerk of the house of representatives, for filing and arranging the papers of the respective houses in the secretary of state's office, and for copying and indexing the journals of the respective houses, five hundred dollars each, in all ten hundred dollars. Secretary of senate and clerk of house

43. For compensation of the secretary of state for preparing copies of the acts for the public printer, and for making index and side notes for the same, five hundred dollars, or so much thereof as is necessary to pay for such copying at the rate of ten cents a hundred words, and the sum of seventy-five dollars for such index and marginal notes. Preparing copies of acts

*And whereas*, The general assembly of Alabama will not again be in regular session until after the close of the fiscal year ending September 30, 1892, eighteen hundred and ninety-two, therefore,

SEC. 2. *Be it further enacted*: That the appropriations hereinbefore made in this act for the year ending eighteen hundred and ninety-two be, and the same are hereby renewed and continued in force until and including the first day of January, eighteen hundred and ninety-three; *Provided*, that not more than one-fourth of the several sums appropriated hereinbefore for the year ending September thirtieth, eighteen hundred and ninety-two, shall be expended in the period for which they are thus renewed and extended, except that for interest on the public debt, embracing therein interest on the university funds, on the agricultural and mechanical college bonds, and on the school fund, Appropriations continued

one-half of the amount hereinbefore appropriated for these purposes in the year ending September the thirtieth, eighteen hundred and ninety-two, may be expended.

For next ses-  
si'n of gen-  
eral assem-  
bly.

SEC. 3. *Be it further enacted:* That for the per diem and mileage of senators and representatives and for pay of officers and employees of the senate and house of representatives, and for the incidental expenses of the session of the general assembly, beginning on Tuesday, after the second Monday in November, eighteen hundred and ninety-two, fifty thousand dollars is hereby appropriated; *Provided*, that nothing herein contained shall be deemed an amendment or repeal of any law now in force, nor shall any appropriation herein made be construed to be in addition to appropriations for the same purpose or purposes made by separate acts heretofore passed, or that may be hereafter passed at this session. *And provided further*, That the appropriations for the same purposes or any of them in sections two and three of general appropriation act, approved December 12, 1888, shall be construed to be embraced in the appropriation hereinbefore made in section one of this act, and shall not be deemed to be in addition thereto.

Approved December 10, 1890.

64]

AN ACT

[H. 149

To authorize the Parker Memorial Baptist Church, of Anniston, Alabama, to hold real and personal property to the value of not exceeding one hundred and fifty thousand dollars.

May hold  
property

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Parker Memorial Baptist church, of Anniston, Calhoun county, State of Alabama (formerly known as the Twelfth Street Baptist church), a body incorporated under the general laws of the State of Alabama, be and the same is hereby authorized to hold real and personal property to the value of not exceeding one hundred and fifty thousand dollars.

Approved December 10, 1890.

65]

AN ACT

[H. 329]

To ratify and confirm the organization of the Alabama State Land Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the organization of the Alabama State Land Company, a corporation attempted to be organized under the general laws of Alabama, by a declaration in writing, filed on the 11th day of November, 1886, and recorded in the office of the judge of probate, in and for Jefferson county, State of Alabama, be and the same is in all things ratified and confirmed, and the Alabama State Land company be, and it is hereby declared to be, a body corporate, for the purposes and with the right and powers in said declaration set forth.

Corporation  
confirmed

Approved December 10, 1890.

66]

AN ACT

[H. 240]

To amend an act entitled an act to provide for the election of County Superintendent of Education of Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to provide for the election of county superintendent of education, approved February 13th, 1889, be amended to read as follows: That the county superintendent of education shall be elected at the general election on the first Monday in August, 1892, and at the general election every two years thereafter, in the same manner as the county officers are elected; and their term of office shall begin on the first day of October, 1892, and they shall hold said office and perform the duties thereof under the laws governing public schools. And the superintendent of education shall fill said offices by appointment when vacancies occur, until said first day of October, 1892, and shall thereafter fill said offices by appointment when vacancies occur.

Election of  
county supt.  
of education

Vacancies

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

Approved December 10, 1890.

67]

AN ACT

[H. 264

To amend the Charter of the City of Anniston.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 7 of an act to amend an act entitled an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4th, 1879, and the various acts amendatory thereof, approved February 23d, 1889, be amended so as to read as follows: SEC. 7. *Be it further enacted*, That the mayor and city council of Anniston shall, within the limitations of this act, have power by ordinance:

1. To levy and collect taxes upon all property taxable by law for state purposes. 2. To make regulations to prevent the introduction of any contagious diseases in the city, to make quarantine laws for the purpose, and to enforce the same within five miles of the city, and to punish the breach of the same. 3. To establish hospitals and make regulations for the government thereof. 4. To provide the city with water by waterworks within or beyond the city or by contract; and to provide for the prevention and extinguishment of fires, and organize and establish fire companies. 5. To make appropriations for the maintenance of the public schools in the Anniston school district, but it shall not be required to appropriate more than twenty per cent of the gross revenue of the city for such purpose. 6. To open, alter, abolish, widen, grade, pave, or otherwise improve streets, sidewalks and alleys; to construct bridges and culverts, and to make appropriations for lighting the streets. 7. To erect, or cause to be erected, all buildings necessary for the use of the city. 8. To license, tax and regulate auctioneers, merchants, hotels, confectioners, hawkers, peddlers, butchers, lawyers, doctors, dentists, livery stable

Charter amended

Taxes

Health

Water works

Public schools

Streets

Buildings

License



keepers, banks, furnaces, factories, rolling mills, brokers, agents of life, fire or accident insurance companies, real estate agents, book agents, and all other privileges, trades, and occupations of all kinds and classes, whether of like kind to those enumerated or not—such license tax not to exceed one hundred dollars. 9. To tax, regulate or prohibit brokers who buy or sell on commission for others, cotton, grain, provisions, or other commercial products, for future delivery, the place of business of which is usually and commonly called a “bucket shop;” but if such brokers are taxed or regulated, they shall be required to pay an annual tax of not less than two thousand dollars per annum. 10. To license, tax and regulate retailers of spirituous, vinous and malt liquors within the corporate limits of the city of Anniston. The said mayor and city council may prescribe the places within the city where intoxicating liquors may be sold. It shall have authority to deny a license to retail to any person who in its opinion may be unfit to be entrusted with such license, or it may, in its discretion, revoke the license of any person who shall violate the ordinances of the city or the laws of the State of Alabama regulating the liquor traffic. The city council shall have power to close all places where intoxicating liquors are sold, when it may consider that the public peace and safety requires it. The enumeration of special powers over the liquor traffic, or the retailers of intoxicating liquors, shall not be so construed as to prevent the mayor and city council from providing all regulations of the liquor traffic or the retailers of intoxicating liquors, that it may deem expedient, proper or necessary. The city council may fix the price of the city license at not less than one thousand nor more than fifteen hundred dollars per annum; *Provided*, however, that the license tax for retailers of malt liquors alone may, in the discretion of the city council, be fixed at not less than two hundred and fifty dollars per annum. For the violation of any ordinance of the city regulating the liquor traffic, the mayor and city council may impose a fine not exceeding five hundred dollars, or hard labor upon the streets of Anniston not exceeding six months, or imprison-

License

## Powers

ment not exceeding three months, upon a conviction in the police court of the city of Anniston. 11. To license, tax, regulate or prohibit the traffic in spirituous, vinous or malt liquors from the corporate limits of said city to a distance of one mile in every direction beyond such corporate limits. Provided, that the mayor and city council shall not have authority to regulate or prohibit the liquor traffic within the corporate limits of any other city or town. 12. To license, tax, and regulate wholesale dealers in spirituous, vinous or malt liquors, such license tax not to exceed two hundred and fifty dollars per annum. 13. To license, tax, and regulate hacks, carriages, drays, and all other vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the city or to the public grounds or property without the city. 14. To license, tax, and regulate theatrical and other exhibitions, shows and amusements, and to suppress or prohibit such as are of an immoral or indecent character. 15. To prohibit or suppress all gambling houses, disorderly houses, bawdy houses, and obscene pictures and literature. 16. To regulate, restrain, and prevent the carrying on of manufactories dangerous in causing or producing fires; and to tax and regulate the sale of fire-arms, and to prohibit the carrying of concealed weapons. 17. To regulate the storage of gunpowder, tar, pitch and all other combustible explosive, or inflammable materials, and the use of lights, candles, and steam pipes in stables, shops and other places, and to regulate or prohibit the use and sale of fire-crackers and toy pistols. 18. To provide for the inspection and measurement of lumber and other building material. 19. To provide for the inspection and weighing or measuring of coal, wood and all other fuel, hay, corn and other grain. 20. To regulate the inspection and vending of milk, butter, lard, meats, poultry, fish, vegetables and canned provisions; to restrain and punish the forestalling of provisions; to establish and regulate the markets. 21. To establish standard weights and measures to be used in the city, and to provide for the inspection of the same. 22. To provide for the arrest, imprisonment and punishment of all riotous and dis-

orderly persons, and for the punishment of all breaches of the peace, noises, disturbances or disorderly assemblies, and to provide for the punishment, by fine or imprisonment or hard labor, the commission of any offense punishable by the laws of the State of Alabama. Powers

23. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this act, and to accomplish the object of this incorporation. 24. To impose penalties upon the owners, occupants or agents of any building, house, wall, or other structure that may be dangerous or detrimental to the citizens, unless, after due notice, the same be removed or repaired; to provide regulations for the construction and repair of all houses in the corporate limits, and to charge a fee for the issuance of building or repairing permits. 25. To regulate, license or prohibit the keeping and going at large of all animals within the city; to impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same. 26. To erect and organize a workhouse or prison in the city, and any person who shall fail to pay any fine imposed upon him for the breach of any ordinance, shall be committed to such workhouse or prison until such fine and costs shall have been paid, and if male, such person or persons shall work at hard labor on the streets of the city, and shall be allowed a credit of fifty cents per day for each day's labor. Females may be put at hard labor in default of the payment of any fine imposed, but they shall not be required to work at hard labor on the streets or other public places. 27. To appoint, regulate and govern a police force; to impose fines or forfeitures; terms of imprisonment or hard labor on the streets (or other hard labor upon females), one or all for the breach of any ordinance of the city; but no fine shall exceed one hundred dollars, except as provided in subdivision nine (9), and no term of imprisonment or hard labor shall be for a longer time than six months. 28. To impose penalties upon persons convicted of cruelty to animals. 29. To improve, enclose and regulate all public grounds belonging to the city, in or out of the corporate limits. 30. To regulate and provide for the Sidewalks. etc  
construction and repair of sidewalks, foot pavements,

Sidewalks,  
etc

and curbings, and to prescribe the material that shall be used in the construction or repairing of the same. All sidewalks, pavements and curbing shall be laid or constructed by the mayor and city council, or under its authority in accordance with ordinance specifying the streets upon which the same shall be laid, constructed or repaired, the kind of pavement, sidewalk or curbing and the width thereof. When the work shall have been completed and accepted by the city, the expense thereof shall be assessed against the owners of abutting real property in proportion to frontage on the sidewalks of the streets improved, and such assessment shall become due and payable as soon as the city council shall have made the assessment. The amount of the assessment shall be a lien on the abutting property or lot and shall bear interest at the rate of eight (8) per cent. per annum from the time that it became due. If the same is not paid by the occupant or owner or agent within thirty days from the time it became due, then the city tax collector shall have authority to sell such property or sufficient thereof for the payment of such assessment, interest and costs, at public outcry to the highest bidder for cash, after publication for three successive weeks in some newspaper published in Anniston, of the time, place and purpose of the sale, and the amount due the city, and after personal notice in writing, if the owner is known and resident of the city of Anniston, but if the owner be not known or not a resident of the city of Anniston, then the publication shall be sufficient, but if the name and residence of such owner is known, then a copy of the newspaper shall be forwarded to such person at the postoffice nearest his place of residence. The city tax collector shall apply the proceeds of the sale: first to the payment of the amount, interest and costs, and the remainder shall be paid over to the owner. The mayor and city council may purchase such property as may be sold as above for the amount of such assessment, interest and costs, and shall have the same rights in consequence of such purchase as other purchasers have. The owner of any property sold for the non-payment of such assessments, may redeem it at any time within two years from the time of sale by refunding to the purchaser the amount

paid therefor, with interest at the rate of twelve per cent. per annum. At the time of the sale the city tax collector shall give to the purchaser a certificate of purchase, which shall be assignable by endorsement, and at the end of two years shall give to such person or his assignee, a deed to such property, conveying all the right, title and interest of the former owner, and such deed, when acknowledged by the tax collector in his official capacity, shall be in all courts of the state *prima facie* evidence of the facts recited therein in any controversy, proceeding or suit involving or concerning the rights of the purchaser, his heirs or assigns to the real estate thereby conveyed, and any purchaser, his heirs or assigns may maintain an action of ejectment or statutory action in the nature of ejectment at any time after such sale, for the recovery of any such lands purchased, and he shall be entitled to possession on recovery, subject to the right of redemption within two years from the time of the sale. No irregularity in the sale or other proceedings shall destroy or affect the lien of the mayor and city council for the amount of the assessment, and any purchaser at any such sale, if it be irregular or invalid for any cause, shall have a lien for the amount paid by him for such property, which may be enforced by a sale in the same manner as the original lien should have been enforced; *Provided*, that this section shall not affect any existing rights or remedies of the mayor and city council for pavements already laid in accordance with existing laws. 31. Streets To grant the right of way through the streets, avenues and public grounds of said city for the purpose of street or other railways, telephone, telegraph, electric light and gas and water companies. 32. To take and appropriate grounds for widening, extending or opening street or for laying out new streets, avenues, squares and parks, when the public convenience requires it, upon just compensation, to be determined according to the laws of the state, regularly proceeding *ad quod damnum* and condemnation of land for public use, and the said mayor and city council shall have power to condemn such lands as are necessary. 33. To establish, regulate or change the fire limits within said city, and to pass all laws necessary for the protection of said city

Sidewalks,  
etc

Streets

Fire limits

against fire, and for this purpose may remove wooden buildings or other structures within the fire limits, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: One by the mayor and one by the owner, and in case of a failure to agree, these two may select a third arbitrator, and the amount agreed upon by such arbitrators, or a majority of them, shall be final; to punish by fine or imprisonment the erection and maintenance of any building constructed or repaired after the same was prohibited in said fire limits, other than those prescribed by ordinance.

Speed of trains 34. To regulate the speed of trains, cars or locomotives on railways or tramways within the corporate limits, or on the streets of the city, and to punish by fine violations of such regulations.

Sewers 35. To establish, build and regulate drains and sewers, and to require owners, occupants or agents of property to connect their houses or closets with such sewers or drains in such manner as the city council may prescribe; to take and appropriate any land or right of way necessary for such drains or sewers within or without the city upon just compensation, to be determined according to the laws of the state regulating proceeding *ad quod damnum*.

Nuisances 36. To pass all ordinances to compel the owners of lots or real property to ditch and drain the same at the expense of such owner.

Vagrants 37. To prevent and remove nuisances, to regulate water closets, and to regulate or prohibit privies and privy water closets, sinks and wells.

Obstructing police 38. To make all ordinances necessary concerning idlers, paupers, vagrants and disorderly or vicious persons, and to correct or restrain their vicious habits.

39. To punish all persons who in any manner obstruct or interfere with policemen in the discharge of their duties, or who, when called upon to aid in an arrest shall fail to give such aid; and when any person so called upon and aids such officer, he shall not be liable to punishment therefor nor to damages in a civil suit; *Provided*, he did no more than was necessary to effect such arrest.

Injury to streets, etc 40. To punish injuries to streets, sidewalks and trees and to private or city property.

Exempt from tax 41. To exempt from city taxation for a period of no longer than five years any new en-



terprise, business or industry that may come into the city.

SEC. 2. *Be it further enacted*, That section 19 of said act be amended so as to read as follows: Sec. 19. *Be it further enacted*, That the mayor and city council of Anniston shall elect a successor to the present recorder at a regular meeting in April, 1891, and every two years thereafter, whose compensation shall be prescribed by the said mayor and city council and which shall not be changed during the term of office. Such recorder shall hear and determine all cases of violations of all ordinances of the city and impose the fines and penalties prescribed by law or ordinance for such violations. He shall exercise within the corporate limits of said city, and within the police jurisdiction of said city, all the powers of a justice of the peace in criminal matters. He may be required to give a bond in such sum as the mayor and city council may prescribe. During the absence of the recorder the mayor shall preside at the police court. The recorder may be removed from office by the mayor and city council for good cause, of which the mayor and city council shall determine. In case of a vacancy in the recorder's office, it shall be immediately filled by the mayor and city council. He shall have power to punish for contempt of court by a fine not exceeding twenty dollars and imprisonment for not longer than six hours, one or both. The mayor shall have exclusive power to pardon or release or remit fines or penalties imposed upon persons convicted by the recorder. The recorder shall have exclusive jurisdiction in the proceeding prescribed by said act to be had before the mayor for the sale of lands for delinquent city taxes.

SEC. 3. *Be it further enacted*, That section 20 of said act be amended so as to read as follows. Sec. 20. *Be it further enacted*, That where parties are tried before the recorder, or in his absence before the mayor, are dissatisfied with any judgment rendered by said recorder or mayor, he or they may forthwith appeal to the city court of Anniston by giving bond with good security, to be approved by the recorder, conditioned to pay and satisfy such judgment with cost as the city court may render on such appeal; but unless such

bond be given within five days, then no appeal shall be allowed from such judgment. The proceeding on such appeal shall be in all respects as prescribed by law in case of appeals from judgment of a justice of the peace in civil cases except as changed by this section. If such defendant fail to appear in the said city court, and the case is called for trial, the judgment of the recorder shall be affirmed and judgment shall be rendered against the defendant and sureties on his appeal bond for the amount of the fine and cost imposed on him by the recorder, and the costs of appeal unless good cause is shown to the court for his absence or default. In case the defendant appears and judgment is rendered by said court for money, the court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs, and if the judgment of the city court be that the defendant be imprisoned or put to hard labor for the city, then the court shall render judgment against the defendant and the sureties on his appeal bond for all costs, and remand the defendant to the city authorities for punishment. From the judgment of said city court the mayor and city council or the defendant may appeal to the supreme court of the state.

SEC. 4. *Be it further enacted*, That section 23 of said act be amended so as to read as follows: Section 23. *Be it further enacted*, That all male persons liable to road duty under the laws of the state, residing in said city shall be liable to street tax and shall be exempted from road duty or work on the highways upon the payment of the same. The said mayor and city council, shall, before the 15th day of January of each year cause a notice to be published for thirty days in some daily newspaper published in the city of Aniston, notifying all persons liable to the said tax that the same is due and must be paid on or before the first day of March. If it be not paid on or before such time, then any person liable to such tax shall be considered as having failed to pay the same, and shall be summoned before the recorder, or be arrested by any policeman of said city with or without a warrant, and taken before the recorder on a charge of having failed to pay street tax. The recorder shall, as early as prac-

Street tax

licable, give any such person a hearing, and if found liable for such tax, he shall sentence such person to pay a fine of not less than three nor more than ten dollars, and in default of payment, to work out said fine on the streets of Anniston at the rate of fifty cents per day. No person shall be arrested without a warrant by any policeman unless, such policeman be previously informed by the city tax collector or other person whose duty it is to collect said tax, that said person has not paid the same, and such arrest must not be made then if such person will give a bond with good and sufficient security for his appearance before the recorder. For the purpose of collecting such tax, or enforcing the payment of the same, the city tax collector, or any person collecting the same, or any policeman shall have the right to enter upon the premises of any person or corporation in the city or within the police jurisdiction thereof.

SEC. 5. *Be it further enacted*, That section 21 of said act be repealed from and after the time of the election of a recorder as provided in section two of this act, and all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 10, 1890.

68]

AN ACT

[H. 154

To repeal an act entitled "an act to amend section eleven of an act to establish a separate school district, to be known as the Cullman School District in Cullman county, Alabama, and for the appointment of a Board of Trustees for said school district, with certain powers and privileges," approved February 28, 1887.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to amend section eleven of an act to establish a separate school district, to be known as the Cullman School District, in Cullman county, Alabama, and for the appointment of a board of trustees for said school district with certain

powers and privileges," approved February 28, 1887, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act shall take effect from its passage.

Approved December 10, 1890.

69]

AN ACT

[H. 174

To amend section 1 of an act approved February 25, 1889, to provide for the payment of costs on conviction of felony, where the defendant is sentenced to imprisonment in the penitentiary.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act approved February 25, 1889, entitled an act to provide for the payment of costs on conviction of felony, where the defendant is sentenced to imprisonment in the penitentiary, be amended so as to read as follows: Section 1. Whenever a defendant is convicted of a felony, and is sentenced to imprisonment in the penitentiary, the clerk of the court in which the conviction is had shall make out a full and complete bill of the costs in said case, which bill of costs shall contain the following items and no others: Clerks fees for issuing subpoenas for state witnesses, issuing capias, clerks fees for docketing, for continuances, taking undertaking on recognizance, and entering same, trial, entering judgment, final judgment, record for supreme court, certifying same, final record, recording indictment; sheriff's fees: executing warrant or writ of arrest, bond or undertaking, serving subpoenas for state witnesses, committing prisoner, summoning jury; solicitor's fees on conviction, fees of state witnesses, and costs of committing magistrate on preliminary trial, not to exceed five dollars, costs of constables, on preliminary trial, not to exceed five dollars, and costs of state witnesses on preliminary trial.

Costs on  
conviction  
of felony

Approved December 10, 1890.

70]

## AN ACT

[H. 86

To amend subdivision thirty-one (31) of section 629 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That subdivision thirty-one (31) of section 629 of the code, shall be, and the same is hereby amended so as to read as follows, viz: 31. For peddlers in a wagon drawn by one horse, or other beast, forty dollars; in a wagon drawn by two horses, or other beasts, fifty-five dollars; on a horse or other beast, twenty-five dollars; on foot, fifteen dollars; when accompanied by singers, or other performers on musical instruments, one hundred dollars; but for peddlers of tinware only, and peddlers of wooden, and stone or clay hollow-ware only, and tanners who manufacture leather goods, and peddle these only, shall not be required to procure license. A peddler's license shall entitle him to peddle only in the county where it is taken out. Any person may demand of peddlers, itinerant dealers, and traveling agents their license, and unless they exhibit the same, or show that they have a right under the law to peddle the articles carried by them, or to carry on the business they are engaged in without a license, such person may, and is hereby authorized to arrest such peddler, itinerant dealer, or traveling agent, and carry him before the nearest county court judge, justice of the peace, mayor, recorder, intendant of any town, or notary public exercising the powers of a justice of the peace, and such of said officers as such peddler, itinerant dealer, or traveling agent, is carried before, must, if he finds such person to be dealing without a license, forthwith issue a warrant for his arrest returnable to any court of their county having criminal jurisdiction, which warrants may be executed by the sheriff, or by any constable of the county, any city or town marshal, policeman, or any officer having authority to make arrests. It shall, however, be lawful for any person having but one arm, or leg, to peddle in any county of the state free of license; nor shall this act be so construed, as to require a license on peddlers

License of  
peddlers

Exempt from  
license

of fish, oysters, game, fresh meats, poultry, fruit, and all farm products raised by the seller, nor any dealer in books or other literature.

Approved December 10, 1890.

71]

AN ACT

[H. 400]

To repeal an act entitled an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors, in the county of Morgan" in so far as the same relates to precinct number one of said county.

Act repealed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act "to regulate the issuance of license to sell vinous, spirituous or malt liquors in the county of Morgan," approved, February 3rd, 1883, be and the same is hereby repealed, in so far as the same relates to precinct number one of said county.

Approved December 10, 1890.

72]

AN ACT

[H. 248]

To establish a new Charter for the City of Birmingham.

Name

Rights, powers, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the city of Birmingham, in the county of Jefferson, shall be and continue a body politic and corporate, by the name of the Mayor and Aldermen of Birmingham, and by this name may sue and be sued, contract and be contracted with, receive and grant, and do all other acts as natural persons in respect to the powers herein granted, and may purchase, receive, hold, or let, sell, alien, grant or assure real, personal and mixed property, and dispose of the same for the use and benefit of the city, and may have and use a city seal, which may be altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate



limits of the said city of Birmingham shall embrace and include all that territory of land lying within and being included by the following limits, to wit: Beginning at a point where the west side of twenty-ninth street intersects the south side of eleventh avenue, north; thence west along the south side of eleventh avenue to where said avenue, if extended, would intersect the east side of Walker street, if said Walker street were extended; thence south along the east side of Walker street to its intersection with the east side of seventh street; thence south along the east side of seventh street to a point where said street, if extended, would intersect the south side of the Alabama Great Southern Railroad Company's main track; thence east along the south side of said main track to the east side of thirteenth street; thence south along the east side of thirteenth street to the south side of avenue B; thence west along the south side of avenue B to the east side of eleventh street; thence south along the east side of eleventh street to the north side of avenue H; thence east along the north side of avenue H to the east side of fourteenth street; thence south along the east side of fourteenth street to the north side of tenth avenue, south; thence east along the north side of tenth avenue, south, to where it intersects Highland avenue; thence along the north side of Highland avenue to Five Points; thence easterly along the north side of Magnolia avenue to the north side of tenth avenue, south; thence in an easterly direction along the north side of tenth avenue, south, to the west side of twenty-seventh street; thence north along west side of twenty-seventh street to the north side of Avenue G; thence east along the north side of avenue G to the west side of twenty-ninth street; thence north on the west side of twenty-ninth street to the south side of eleventh avenue, north; being the point of beginning. *Provided*, that the corporate authorities of said city shall have police jurisdiction of all territory lying within three miles of the court house of Jefferson county, Alabama, and shall have authority to punish all offences committed within said territory as if the same were committed within the corporate limits of said city. The said city of Bir-

Corporate  
limitsPolice juris-  
diction

Five wards

irmingham is hereby divided into five wards, as follows :

First ward The first ward shall embrace all the territory lying between the centre of eighteenth street and the western limits of said city, and between the centre of avenue H, on the south, and the northern limits of said city.

Second ward The second ward shall embrace all that territory lying between the centre of eighteenth street, and the centre of twentieth street, and between the centre of avenue H, and the northern limits of said city.

Third ward The third ward shall embrace all that territory lying between the centre of twentieth street and the center of twenty-second street, and between the centre of avenue H and the northern limits of said city.

Fourth ward The fourth ward shall embrace all that territory lying between the centre of twenty-second street and the eastern limits of said city, and between the centre of avenue H and the northern limits of said city.

Fifth ward The fifth ward shall embrace all that territory lying south of the centre of avenue H. The wards of the city may be changed or altered, as the corporate authorities may see fit.

Elections SEC. 3. *Be it further enacted*, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and ten aldermen (two aldermen from each ward), who are residents of their respective wards, and who shall be elected as herein provided for. The mayor and aldermen who are in office when this act takes effect, shall remain and continue in office, and exercise all the rights and powers, and perform the duties thereof, until the first Tuesday in December, 1892, or until their successors are elected and qualified, on which said first Tuesday in December there shall be elected a mayor and ten aldermen (two aldermen from each ward); and immediately after said board of mayor and aldermen shall be assembled in consequence of said election, the aldermen shall by lot, under the supervision of the mayor, be divided into two classes, and the result recorded on the minutes, so that one alderman from each ward shall be in the first class, and one alderman from each ward in the second class. The aldermen so allotted to the first class shall hold office for two years, and those allotted to the second class shall hold office for four years, so that at each election thereafter there shall be chosen a mayor

and five aldermen (one alderman from each ward), who, with the aldermen holding over, shall constitute the board. There shall be elected on the first Tuesday in December, 1894, and biennially thereafter, on the first Tuesday in December, a mayor and five aldermen; the aldermen to hold for four years. All elections holden under this act shall be by ballot, by the male inhabitants of said city, who are of and over the age of twenty-one years, who have resided in said city for three months, in the ward in which they propose to vote for thirty days, and in the state for twelve months next preceding such election, and are qualified voters under the general election laws of the state, and are registered as herein provided. Should the election not take place on the day fixed for the election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office till their successors are elected, and qualified; and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day the election shall be held, and should the mayor and aldermen fail, or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor, and should a vacancy occur in the board by the death, resignation or removal from the city, or the ward for which he was elected, of the mayor or any alderman, or from any other cause, except on a contest of election, the remaining members of the board shall fill the vacancy at the next regular meeting after such vacancy occurs. If for any reason the board should fail to fill the vacancy at the next regular meeting after it occurred, then it shall be their duty to do so as soon thereafter as practicable.

SEC. 4. *Be it further enacted*, That the elections for mayor and aldermen held under this act, shall be conducted according to the laws governing elections for officers under the laws of this state, but no person shall be entitled to vote at said election, in said city, unless he possesses the qualifications mentioned in the seventh article of the constitution of the state, and shall have resided in said city three months, and in the ward in which he proposes to vote thirty days, and

Elections

Vacancies

Qualificat'ns  
of voters

cause himself to be registered in the ward of his residence, in the manner hereinafter provided, and shall have produced, and surrendered to the inspectors of elections at the polling place of said ward, the original certificate of such registration hereinafter provided for.

Polling places  
Inspectors

SEC. 5. *Be it further enacted*, That at the said elections there shall be at least one polling place in each ward, but the board of mayor and aldermen may, if they deem it proper, establish more than one polling place in any ward. It shall be the duty of the mayor and city clerk to provide for the opening of said polls, and to give ten days notice by publication in some newspaper of the city of the time and places of holding such elections, and the names of the inspectors for each polling place. The board of mayor and aldermen shall appoint the said inspectors, who shall perform the duty of returning officers. The numbers of said inspectors so appointed shall be three for each polling place in the city, one of whom shall be a member of each political party, if practicable, and said inspectors shall be qualified electors at said elections.

Registration

SEC. 6. *Be it further enacted*, That at least twenty days before the first Tuesday in December, on which the election is to be held, it shall be the duty of the mayor and aldermen to appoint one person of each place of registration to act as registrar of voters; the place of registration in each ward to be appointed by the board, but the board may if it deems it proper, appoint more than one place of registration and more than one registrar in any ward. The registrars so appointed shall respectively commence registration on the second Tuesday in November next preceding the election, and shall continue the same till within seven days of said election, at which time registration shall be closed. Each of said registrars shall give at least three days notice by advertisement in some newspaper published in said city of his appointment, and of the time and place at which he will attend and make registration of voters as hereafter required, and should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in any said appointments, then the

board shall appoint some other party in his stead. Before registration is made of any applicants there-  
for, said registrar must be satisfied by personal knowl-  
edge or sufficient evidence that such applicant has  
resided at least three months in the city and thirty  
days in the ward in which he proposes to register and  
vote, and that he will be legally entitled to vote at the  
then next ensuing election for municipal officers of  
said city, according to the requirements of the fourth  
section of this act, and said registrar being so satisfied,  
must thereupon place the name of such applicant upon  
the registration list, together with his color and the  
ward of his residence and the particular description of  
his residence either by number of house or by its  
boundaries as to streets and avenues, or in some other  
way that will particularly designate and identify the  
same. The names of the parties registering shall be  
placed upon said list alphabetically, and be numbered  
in the order of registration, and the said registrar must  
furnish each person so registered a certificate of his  
registration, giving his name, age, ward of residence,  
place of residence, and the number of his registration.  
The right of any person to be registered as a voter may  
be challenged in the manner as hereinafter provided  
for the challenging of any person who may claim the  
right to vote at any municipal election of said city,  
and in case the registrar is in doubt, and can not  
decide for himself any matter pertaining to his duties  
as registrar under this act, then said registrar shall  
take the advice upon such matters of the city attorney.  
Each of said registrars shall carefully preserve the  
original list of the voters registered by him, and make  
or cause to be made a correct copy, thereof and certify  
said original copy over his signature, and immediately  
after the closing of the registration list shall deliver  
both said original and said copy to the mayor of said  
city, but if the mayor is a candidate at said election,  
then the registrars shall deliver said original and copy  
to the city clerk, who will perform with respect  
thereto the same duties that are prescribed for the  
mayor by section eight of this act.

SEC. 7. *Be it further enacted,* That before enter-  
ing upon the charge of his duties, each of said regis-  
trars shall file with the city clerk an affidavit of his  
qualifications as registrar.



trars shall make and subscribe an affidavit before some officer authorized to take affidavits that he will faithfully and truly perform the duties of registrar by this act imposed on him, and that he will honestly, without fear, favor or affection, or prejudice, and without reward, or the hope thereof, cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person, which affidavit shall be filed in the office of the city clerk. For every willful violation of their duty as such registrars, they shall on conviction before the city recorder pay a fine of two hundred dollars for the use of the city of Birmingham.

Lists to be  
printed

List to be  
posted

SEC. 8. *Be it further enacted*, That as soon as practicable, the mayor of said city shall cause at least fifty carefully corrected copies of each of said registration list of the city to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration list to be used at such elections; one of those printed shall be used and designated by each set of inspectors as the official copy, and shall be by them returned with the ballots cast at such elections as part of their official returns as herein directed. It shall be the duty of the mayor, at least one day before the election, to post at the court house in said city, and at some public place in each ward, one copy of the registration list. The original of said list, and the certified manuscript copies, as received from the registrars, shall, after said printed lists have been prepared, be by the mayor deposited with the city clerk to be preserved among the records of said city; said original list to be used, however, by the inspectors of said elections.

Duties of in-  
spectors

SEC. 9. *Be it further enacted*, That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered in the ward in which he proposes to vote, as furnished by the mayor or city clerk, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of this act, to be by said inspector then and



there canceled, and does not on demand make satisfactory proof of his identity with the person whose name may be on the registration list. For the purpose of such election, the printed lists furnished to the inspectors by the mayor or city clerk, and hereinbefore described as official lists, shall be taken to be correct, but subject, if error be alleged, to be corrected, by comparison with original registration list for the ward, which, for that purpose, shall be in the custody of the inspector at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line on the official registration list over the name voted, so as to cancel the same. The inspectors shall, as soon as the polls are closed, proceed to count the ballots cast at their respective polling places, and certify the result of the election to the mayor and aldermen of said city; they shall enclose the ballots cast in their respective boxes with the poll list and registration list of the city for the ward and the certificates of registration surrendered at the election together with their said certificates of the result in the box in which are placed the ballots received at the election, and after carefully sealing the same, deliver said box with its contents to the clerk of said city, who shall give to said inspectors his receipt for said box, stating in the receipt the condition of said box when received by him. Nothing herein shall be construed to deny to the board of mayor and aldermen the right which is hereby granted to provide by ordinance, if they deem it proper, for the registration on election day, and the voting of such electors as were prevented by absence from the city or sickness from procuring registration certificates at the regular time hereinbefore prescribed, but in such cases affidavit must first be made of the fact of absence or sickness; the affidavit to be made before any officer authorized by law to administer oaths.

Duties of  
Inspectors

SEC. 10. *Be it further enacted*, That the said mayor and aldermen of said city, or a majority of them, shall immediately after the delivery of the boxes, poll lists and inspectors' certificates of the respective polling places, as hereinbefore required of said clerk, proceed to open said boxes, and by a footing up of the returns

Declaring re-  
sult

as made by the inspectors of the several polling places (and by a count of the vote if deemed necessary by the board), ascertain which of the candidates have received the highest number of votes for the respective offices, and declare their election to the respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to the persons so found to be elected. In case said mayor and aldermen, or a majority of them, were candidates at said election, then the city clerk and chief of police of said city shall foot up the returns after being duly sworn to act honestly in the premises, and declare the result and issue the certificates of election as above stated. The said certificates of election, so issued by the mayor and aldermen, or a majority of them, or by the city clerk and chief of police, shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the term of office of their predecessors as fixed by law, subject, however, to contestation of their rights as is now or may be provided by act of the general assembly for judge of probates.

#### Challenge

SEC 11. *Be it further enacted*, That any person offering to vote at any municipal election in the city of Birmingham may be challenged by any of the inspectors, or by any qualified elector, and it is the duty of every inspector to challenge any person offering to vote whom he knows or suspects not to be qualified by law as an elector. When any person is challenged, if his ballot be not withdrawn, one of the inspectors must tender him the following oath: "You do solemnly swear that you will fully and truly answer all questions that may be put to you, touching your qualifications as an elector?" The inspector, or one of them, must then examine him as to his qualifications under this act. If it appears from the examination that the person offering to vote is not a qualified elector, then his ballot must be rejected, and his certificate of registration taken up and cancelled. If the person so offering to vote appears, however, to be a qualified elector, his vote shall be received, but if the party challenging so demands, it shall be deposited in a separate box, and designated to the board as a contested vote.

SEC. 12. *Be it further enacted*, That any person who falsely personates another, and thereby casts a vote for which he is not entitled, or thereby obtain registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or having once voted at such election, votes a second time, or attempts to vote a second time, whether in the same ward or another, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when he is not entitled, or shall falsely attempt to do so, or after having once obtained registration in one ward, shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not entitled, knowing him not to be entitled, to vote or to obtain registration as a voter, or shall willfully give false answer to any question put to him by any inspector or registrar, shall be guilty of a misdemeanor against said city, and on conviction in the recorder's court, shall be punished by a fine of one hundred dollars and by hard labor for the city for the space of not less than six months nor more than one year.

Illegal voting  
or registra-  
tion

SEC. 13. *Be it further enacted*, That no person shall hold the office of mayor or alderman of said city who has not resided therein one year next preceding the election, and the aldermen must be residents of the ward and qualified voters therein for which they are respectively elected at the time of election.

Mayor and  
aldermen

SEC. 14. *Be it further enacted*, That the ballots cast at any election held under this act, shall, after the same are counted, if the board deem it necessary to count them, be sealed up by the mayor and aldermen of said city and deposited with the clerk of the circuit court of Jefferson county, Alabama, who shall preserve the same for twenty days after the election is declared, and then, if there is no contest, the said clerk, shall destroy the same; but in the event of a contest, the same shall be delivered to the judge trying the same.

Ballots

SEC. 15. *Be it further enacted*, That any election held under this act may be contested by the party filing his grounds of contest in the office of the clerk of

Contests

## Contests

the circuit court of Jefferson county, and giving security for costs, to be approved by said clerk. The contestant must make the statement of the grounds of contest, and give notice to the person whose election is contested within twenty days after he is declared elected, by having served on him or left at his usual place of residence by the sheriff or some constable of the county, a copy of the grounds of contestation, verified by oath of the contesting party, or some one for him, that he believes the same to be true. Such contest must be heard and decided by the judge of the circuit court, but either party may demand a trial by jury, whereupon issues must be made up under the direction of said judge and submitted to a jury. The said circuit court shall have jurisdiction to determine the contest and render the proper judgment, and enforce the same. If the person whose election is contested is shown to be ineligible, judgment must be rendered declaring the election void as to such office, and the vacancy must be filled by the board. The said election may be contested for fraud or any manager of the election, or ineligibility of the person declared elected, or on account of illegal votes, or for offers to bribe, or bribery, or any other misconduct calculated to prevent a fair, free and full exercise of the election franchise by those entitled to vote at said election. The said court may adjudge the cost of said contest as it deem just in its discretion. If it appears that the contestant received the highest number of legal votes cast at the election, he must be declared elected. If it appears that two persons have received an equal number of votes, it must be so adjudged, and the office must then be filled by an election by the board. The said circuit court shall have full power to prescribe rules for procedure in such cases, and cite the party whose election is contested to appear and make defense, and to enforce obedience to its orders.

## Meetings

SEC- 16. *Be it further enacted*, That a majority of the board must be present at the meeting in order to transact any corporate business (a majority forming a quorum), but any number not less than three, may assemble at their regular place of meeting and adjourn from day to day, and compel the attendance of absent

members in such manner and under such penalties as the board may prescribe; that the board may determine the rules of its proceedings, may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the board, the members present may select a presiding officer, and in case of sickness, or temporary absence of the mayor from the city, or inability to serve from other good cause, he may appoint any one of the aldermen to act as mayor *pro tempore*, and the alderman so appointed shall have all the powers and perform all the duties of the mayor until the mayor resumes his office. All votes shall be taken at meetings of the board by a call of the roll, the presiding officer being first called, and the ayes and nays shall be recorded in the minutes of the meeting.

SEC. 17. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever in his opinion the interests of the city requires it, and he may punish any contempt while the board is in session, by a fine not exceeding twenty-five dollars, and by imprisonment for not longer than ten days for each offense, one or both, to be enforced in the same manner that judgments of the recorder are enforced, and by the same officers. He shall keep an office in said city, and shall receive such fees or salary as the board shall prescribe as compensation for his services. The said mayor shall have the right, when the good or safety of the city in his judgment requires it, to call upon or require the aid of the sheriff of Jefferson county, and may also require the aid of volunteer or militia companies in said city for the protection of said city. He shall, at least once in every six months, make a statement to the board in writing of the financial condition of the city, which said statement shall be published in at least one of the papers published in the city. He shall have the power to suspend the chief of police, or any member of the police force or fire department until the next meeting of the board, when he must report the fact of such suspension to the board, that it may take such further action as it deem advisable. The mayor shall see that

Duties of  
mayor

Duties of  
mayor

all contracts or agreements with the city are faithfully kept and performed, and to this end, he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to keep their agreements with the city. The mayor shall have power to remit or commute fines, costs, forfeitures and penalties, duly imposed, for violations of any ordinance or charter provision, but he shall make a report of the same to the board, with his reasons in writing, to the next session thereafter. The mayor shall execute all contracts and bonds required in judicial proceedings for and on behalf of the mayor and aldermen of Birmingham. In all judicial proceedings where, by law, bonds and securities are required for litigants, bonds shall be given for the said municipal corporation, but no securities shall be required therefor, and all such bonds executed in the name of the mayor and aldermen of Birmingham, by the mayor without sureties, shall be taken by the courts of the state as a full compliance of the law in such cases, and all laws or parts of laws inconsistent with this provision are repealed, so far as the city of Birmingham is concerned. The mayor shall exercise general supervision over the fiscal affairs of the city; he shall be charged with the faith and credit of the city in relation to its debt and other liabilities, and he shall be the chief executive officer of the city; he shall perform all such other duties in addition to these herein prescribed, not inconsistent with the laws of the state and the provisions of this charter, as may be required of him by the board. At all meetings of the board the mayor, or alderman presiding, may vote upon all questions, motions or resolutions presented as if he were not presiding, and, in the event of a tie vote, the question, motion or resolution must be held to have failed for want of a majority in its favor.

Officers elected by board

SEC. 18. *Be it further enacted*, That the board may appoint a chief of police, clerk and treasurer of said city, and such other officers as they may see fit and think necessary for the good government of the city, and to carry out the powers herein granted, and may prescribe the duties of such officers, and their liabilities and powers, and may require them to give bond



in such sum as they may see fit, for the faithful discharge of their duties, and may remove and discharge any of its officers and employees, at pleasure, and fix the salaries of the same. For any breach of the bond of such officers, suit may be brought in the circuit court of Jefferson county, Alabama, or other court having jurisdiction, and such suits shall be conducted in the manner as other suits. The said board shall cause to be kept a regular record or minute of all proceedings, orders, regulations, resolutions, and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor, when approved by the board, and the same shall have the force and effect of the record, and a copy thereof, certified by the clerk, shall be *prima facie* evidence in any court or elsewhere, which record shall at all times be open for inspection. The board may, however, adopt a city code, or compilation of ordinances, without setting out the same in full in its record.

Suit on bond

Records

City Code

SEC. 19. *Be it further enacted*, That the chief of police shall have in said city all the powers of a constable under the laws of this state, and be entitled to the fees of such constable. He shall possess within said city, and within its police jurisdiction, all the powers of a peace officer. He shall execute the orders, notices and processes of the board, or of the mayor or of the recorder, and shall have power, if the board so ordain, to make arrests, with or without warrant, and he shall prescribe such other duties as the board may prescribe; *Provided*, he shall not be compelled to execute any process as constable, or perform any of the duties thereof, except by order of the board, mayor or recorder.

Chief of police

SEC. 20. *Be it further enacted*, That it shall be the duty of the board to elect, annually, at the same time and in the same manner that other city officials are elected by the board, a city recorder, whose term of office shall be for one year from the first day of January of each year, or until his successor is duly elected and qualified, and who shall receive such compensation, not exceeding one thousand dollars per annum, as the board may prescribe. The city recorder shall keep an office in the said city, and shall hear and determine

Recorder

Recorder's  
court

all cases of violations of by-laws, ordinances or charter of the city, and impose the penalties prescribed therefor; and it shall be his duty to report to the board, at least once a year, under oath, all fines, penalties and forfeitures fixed by him, or by an alderman acting in his stead; and he shall possess, within the corporate limits, and within the police jurisdiction of the city, all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and shall be subject to all the corresponding liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction of, try or determine, any cause, civil or criminal, as *ex officio* justice of the peace, that has not already come before him as recorder. In case of the absence, death, or failure to act from any cause of the recorder, any alderman may act as such recorder, and such recorder may at any time be removed from office by the board; but in case of such removal, or in case of death or resignation of the recorder, the vacancy may be filled by the mayor, temporarily if necessary; but the board shall, as soon thereafter as practicable, hold an election for the unexpired term. The recorder, or any alderman acting in his stead, trying any violation of the charter or by-laws, or ordinances, shall, upon the conviction of such person, have power to impose a fine not exceeding one hundred dollars, or to imprison, or to sentence to hard labor for the city, not exceeding thirty days, one or both (except in cases where a different punishment is prescribed by this act); and all persons convicted of a breach of any by-laws, ordinance, or charter provision, failing to pay or secure such fine, may be imprisoned for such failure, or placed to hard labor for the city, until the fine and costs are paid, in such manner and for such time as the board may direct. If any person tried in the recorder's court is dissatisfied with the judgment of the recorder or acting alderman, he may appeal to the city court of Birmingham, said appeal to be returnable to the present term of the city court, if the appeal is taken in term time, or to the next term of said court, if it is then vacation, by giving bond, with two good sureties, to be approved by the recorder or alderman trying the same, in such sum as he

may prescribe, conditioned to appear in said city court of Birmingham when the case is called for trial, and from term to term thereafter until discharged by law; and to pay and satisfy the judgment with costs, in case the judgment shall be affirmed by said city court; or in any event to pay such judgment as the said court may render on such appeal; but unless such bond be given within five days from the date of the judgment in the recorder's court, then no appeal shall be allowed from such judgment. The appeal bond shall be payable to the mayor and aldermen of Birmingham, after the bond is approved, as hereinbefore provided; the proceedings on such appeal shall be in all respects as provided by law, in case of appeal from the judgment of a justice of the peace in civil cases, except as herein otherwise provided. If such defendant fail to appear in person in said city court, when the case is called for trial, the judgment of the recorder or alderman acting as such, shall be affirmed by said city court, and judgment therein shall be rendered against defendant and the sureties on the appeal bond for the amount of the fine imposed by the recorder or aldermen, the costs of court below, and the cost of the appeal, and ten per cent damages, unless good cause be shown to the court for his absence or default; and if it appears that in the court below, in addition to a fine, the court imposed hard labor or imprisonment for any time, then the court shall include in the judgment against defendant and sureties, as aforesaid, the additional sum of two dollars for each day of hard labor or imprisonment to which the defendant was sentenced. In case the defendant appears, and the judgment is rendered in said city court for money, the court must also render judgment against his sureties on the appeal bond for the amount of such judgment and costs in the recorder's court, and the costs of the appeal; and if the same is not presently paid, or if the judgment of the city court be that the defendant be imprisoned or put to hard labor, then the court shall remand the defendant to the city authorities for punishment, as provided by the ordinances of said city. The city court, in rendering any judgment as aforesaid against the defendant and the sureties on his appeal bond, shall, if it

appear that the parties thereto have waived their rights of exemption to personalty as a part of the bond, incorporate in the judgment that as to such judgment the said parties shall not be entitled to claim any personal property as exempt from levy and sale, which recital shall also be endorsed on any execution issued thereon. The said appeal cases shall be tried in the city court *denovo*, and it shall be the duty of the court to speed the trial of such cases. In all such appeal cases in the city court, the issue and question of fact shall be tried by the court, without the intervention of a jury, unless the defendant, at the time of delivery of his appeal bond, endorses thereon, either by himself or attorney, that he demands a jury for the trial of such case in the city court, and a failure to demand a jury as above directed, shall be deemed and held a waiver of the right of trial without a jury in such case; *Provided*, that the conclusion and judgment of the court in such case tried without a jury may be presented for review in the supreme court in the same manner that civil cases tried in said court without a jury may be presented for review in the supreme court under existing laws. On the trial of any such appeal case in the city court of Birmingham, any code or book containing the by-laws or ordinances of said city of Birmingham, and purporting on the face thereof to be printed, published or prepared by authority of the mayor and aldermen of Birmingham, shall be received as evidence of the contents thereof without further proof. From the judgment of the said city court the defendant may appeal to the supreme court of the state, and in all civil and *quasi* criminal cases the mayor and aldermen of Birmingham may appeal to the said supreme court. The recorder, or alderman acting as such, shall have power to administer oaths, and to compel the attendance of witnesses, and the production of papers and books, and shall have power to punish by fine, not exceeding ten dollars, and by imprisonment, not exceeding twenty-four hours, any person guilty of a contempt of court. The recorder, or alderman acting as such, shall have jurisdiction of all proceedings by motion, *scire facias*, or other writ instituted for the collection of any penal bond, payable to the

mayor and aldermen of Birmingham, taken under the charter or ordinances of the city, to compel the attendance of any person to answer a prosecution in said recorder's court, and upon his judgment rendered in such proceedings, execution may issue and be enforced as execution from justice courts. The recorder shall, after his election and before exercising the duties of his office, file with the mayor of said city an oath of office, taken and subscribed before some officer authorized by the laws of the state to take and certify oaths, that he will honestly and faithfully perform the duties of recorder of Birmingham during his term, according to the best of his skill and ability. All prosecutions for violation of the charter, by-laws, or ordinances of said city that are now pending, or that may be pending at the time of the passage of this act, either before the recorder or on appeal in the city court of Birmingham, shall in nowise be affected by this act, but shall, in all respects, be governed by the law existing at the time such offense was committed, nor shall any offense already committed, but for which no prosecution has been begun, be affected by this act, but the same may be prosecuted, in all respects, as authorized by the law existing at the time of the commission thereof, which is hereby continued in force for such purpose.

Oath of  
office

Prosecutions,  
etc. not af-  
fected

SEC. 21. *Be it further enacted*, That the said mayor and aldermen shall have full power and authority: 1st. To make, adopt and declare motions, resolutions, by-laws, ordinances and orders in whatever manner and upon whatever subject they see fit to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto penalties for violation of the same by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both, and all persons convicted for breach of any by-laws or ordinances or charter provision, failing to pay or secure such fine, may be imprisoned for such failure, or placed to hard labor for the city until such fine and costs are paid in such manner and for such time as the board may direct not longer than sixty days. 2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced

Powers

Health

	into said city; to establish and regulate an efficient quarantine within said city, and within ten miles thereof, and to punish any breach of quarantine laws; to maintain the health and cleanliness of the city, and to this end to adopt and maintain an efficient system of sewerage; to adopt such ordinances and regulations as the board shall deem necessary or expedient for the protection of health, and to maintain a good sanitary condition in public places and on private premises in the city; to prescribe the duties and fix the salaries and compensation of all such health officials as they deem necessary under the existing health laws of the state. 3. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found, and to declare the costs of such removal to be a lien on the property from which the nuisance is removed, and to collect the same as taxes are collected; to prevent owners of property in the city, or within the police jurisdiction thereof, from having or permitting pools or ponds of stagnant water thereon, and to cause the same to be removed at the cost of the owner; to control and regulate slaughter houses, and confine same within specified limits within the police jurisdiction of the city. 4. To aid, establish, set up and regulate hospitals and poor houses, workhouses and houses of correction. 5. To license, tax, regulate and restrain theatrical or other amusements; and the selling, retailing, wholesaling or giving away of vinous, malt, spirituous or intoxicating liquors, and to close houses and places for the sale of intoxicating liquors when, in the opinion of the board, the public safety or peace may require it. 6. To restrain or prohibit gaming, gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, and public indecencies, and to restrain and prohibit chicken fighting, and all games and sports of an immoral character. 7. To appoint and regulate night and day watchmen, police, patrol, and captains thereof, and to maintain a police force of such officers and patrolmen as they may deem necessary. 8. To establish, regulate and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables and other like articles
Nuisances	
Hospitals	
Theatres	
Selling liquor	
Gaming, etc	
Police	
Markets	



within certain places and within certain houses. 9. To sink, repair and regulate public wells and cisterns; to establish fire-plugs and public hydrants, and to make all needful provisions for the supply of the city with water, gas and gas lights, electric or other lights, and to control street lamps; to contract for the lighting of the city and its supply with water, and for rates for light, heat and water to private consumers. 10. To maintain crematories for the destruction of garbage and such like substances, either within or without the city limits. 11. To establish streets, avenues and alleys, and regulate and control the paving and curbing of streets and sidewalks, and the fixing and giving the grade thereof; to compel the removal of obstructions from any highway in the city, and to open, alter, widen, extend, grade, cut down, fill in and pave or otherwise alter and improve all streets, avenues, sidewalks, alleys and public places of the city; but the said mayor and aldermen shall not be liable for a failure to exercise this power. 12. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or party in charge of said lot or property. 13. To establish, lay out and improve public parks and regulate the same. 14. To establish, regulate or change the fire limits within said city, and to pass all laws necessary for the protection of the city against fire and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price; to determine within what limits wooden buildings shall not be erected, and to prevent the reconstruction, repair or enlargement in wood of old buildings, within such limits, and to condemn buildings and verandas, and parts thereof which are dangerous or insecure, and to tear down the same, when the owner, on notice fails to do so, and to regulate or prohibit the erection of awnings or verandas on or over the sidewalks or streets of the city; to regulate and control the erection of powder magazines within three miles of the city, and to prevent explosives and dangerous sub-

Water,  
lights, etc

Streets, etc

Sewers

Parks

Fire limits

Cemeteries	stances from being stored within the city, and to regulate the manner in which explosives may be hauled or kept in the city. 15. To own, layout, regulate, improve and control city cemeteries, either within or without the city limits, and to sell burial lots in the same. 16. To prevent the running at large on the streets of all cows, hogs, dogs, or other animals, and to pass all laws deemed necessary by the board for the sale and impounding of said animals; to prevent live stock from being driven through the streets of the city in droves. 17. To prevent the sale of impure or adulterated food, or the sale of diseased or unsound meats, or decayed fruits and vegetables, or other unwholesome articles of food. 18. To authorize the use of the streets of the city for horse, steam, or electric railroads, and to regulate the same, and to attach conditions to any grant of franchises, and to compel such companies to have and keep in repair such part of the streets, bridges and crossings over which their cars run, as the board may deem proper: To regulate the use of the street for the erection of telegraph, telephone, electric and all other systems of wires and conduits, and to require same to be placed under ground if deemed necessary for public convenience or safety. 19. To maintain, erect, regulate and control an iron bridge on twenty-first street from first avenue across the railroad tracks as now or hereafter planned, together with the abutments, pillars and supports thereto; and to contract, regulate and control any bridge that the board may deem necessary or proper in repairing, improving, or constructing any highways, or across any railroad tracks, ravines, ditches, or the like, and to tunnel under any railroad tracks so as to make a passage way. 20. To punish all offences against the peace, good order, morals, health sanitation of the city, or against the person or property of the citizen, and to punish any act which is by law a crime or misdemeanor against the state. 21. To regulate and control the running of cars, trains or locomotives upon or across the streets, avenues or alleys of said city; to control and regulate the speed of such cars, engines, or trains within the corporate limits of said city; to compel railroad companies and street
Animals not to run at large	
Impure food	
Railroads	
Bridge	
Punishment of offenses	
Speed of Trains, etc	

railroad companies to light their tracks, and to regulate, restrain, or prohibit the switching of cars on or across the highways of the city. 22. To pass all laws necessary and proper for the arrest with or without warrants, of any person against whom there is a charge made of violating any city or state law, and to confine such person until duly discharged by law; to pass all laws needful for the issuance and execution of search warrants. 23. To pass all ordinances necessary or proper to secure the safety of persons from fire in halls and buildings let or used for public assemblies, and for entertainments or amusements; to compel owners or lessees of buildings to provide fire escapes and make provision against fires. 24. To make or cause to be made a compilation of the laws and ordinances of the city and to adopt and publish a city code. 25. To make and ordain all laws necessary concerning idlers, paupers, vagrants, disorderly or vicious persons, to punish any person who when put to hard labor for the city, fails to work faithfully, or who escapes or attempts to escape. 26. To pass ordinances in relation to auctioneers carrying on their business on the streets, and to regulate or prohibit same. 27. To punish all persons who in any manner obstructs the chief of police or other policeman or officer in the arrest of any person in said city, or in the discharge of his duty; and to punish all persons who, when called upon, refuse to aid in the arrest of any person. 28. To pass and enact inspection laws within the city; to regulate the weighing and measuring of produce or provisions for man or beast, and to provide for the inspection and gauging of liquors. 29. To regulate and control the manner of building partition walls and fences, to prescribe rules, and regulations for buildings; to appoint an inspector of buildings, to establish a building commission, and to pass all ordinances necessary or proper to secure safe and strong structures, to regulate and control the cleaning and sweeping of chimneys, the use of lights, stove pipes and flues in stoves, shops, stables, and other places. 30. To pass by-laws and ordinances for the purpose of assessing property adjacent to any street, and intersection of streets, for one-half the expense of such sewers as the board may from time to

Arrests

Fire escapes

City Code

Vagrants

Auctioneers

Interfering  
with officer

Inspection

Buildings

Sewerage tax

## License tax

time deem necessary for the purpose of receiving sewerage from houses and lots, and bettering the sanitary conditions of such parts of the city, as the board deem advisable. The assessment shall be made upon property on both sides of the street, and near the intersection of streets on which said sewer may be constructed, and shall be made in proportion to the value of the lots adjacent to such streets and intersections of such streets, and benefitted by the construction of such sewer.

31. The board of mayor and aldermen shall have the power to license and stop such exhibitions, business, vocations, occupations, or professions as are now licensed by the state (except cock pits), and others herein below named, and to punish all persons who do business in said city without having taken out the license required by law or ordinance, and to impose and collect such license, not to exceed the following amounts on the business, vocations, occupations, or professions here named, to-wit: Auctioneers, (resident) \$50; (non-resident), \$100; barber shops, for each chair \$2; banks and bank agents, and dealers in exchange \$100; commission merchants and brokers, whether by sample or otherwise \$50; druggists and apothecaries, each person or firm \$25; express companies having an office in the city for the business of carrying express matter from Birmingham to other points in the state, and from other points in the state to Birmingham \$100; hotels, each \$50; but the board may regulate the charges according to the number of rooms, if it deem it proper to do so. Restaurants, each \$10, and where rooms are rented in connection therewith \$25; life accident and fire insurance agents, each, for each company represented \$100; livery or sale stables, each \$25; itinerant traders by sample or otherwise \$10; dealers in fish or oysters, each \$20; transient physicians or venders of patent medicines, each \$25; undertakers, each \$50; keeping studs or jacks, each \$5; commercial telegraph companies having an office in the city, in the business of sending and receiving telegraph messages from Birmingham to points within the state, and from points within the state to Birmingham, (except business for the federal government) \$100; carts, drays, wagons, hacks, coaches or omnibuses, each \$20;

warehouses and public weighers, each \$50; pawn brokers, each \$100; dealers in commercial fertilizers, each \$25; cotton buyers, each \$10; dealers (other than general dealers) in wagons, buggies or carriages \$25; watch makers, or jewelers, each doing business for himself, \$10; bakers, each \$10; tin shops, each \$10; coal or wood dealers, each, for each yard \$10; dealers in lumber, each \$25; dealers in brick, each \$50; dancing masters, each \$10; skating rinks, each \$25; ice cream saloons, each \$10; real estate agents, each \$25; telephone exchanges, each \$100; plumbers or gas-fitters, each \$25; ice factories, each \$100; lightning rod agents, each \$25; drummers or commercial agents selling to customers upon business not inter-state, \$10 each; dealers in tobacco or cigars, whether principal stock in trade or not, each \$10; photograph or art galleries, whether in house or tent, \$25; news dealers, each \$10; fruit stands, each \$10; green grocers, each \$25; marble yards, each \$20; architects or superintendents of buildings, each \$25; commissary or grub cars, whether run by railroads or individuals, for each car used in selling goods within the corporate limits \$100 each; confectioneries, each \$10; dealers in fire works or pyrotechnics, each \$10; boot blacks, each \$10; dealers in pistol cartridges, each \$10; veterinary surgeons, each \$10; job printing offices, when run by steam, gas, electricity or water power, \$25 each; job printing offices, when run by hand, each \$15; newspaper offices, daily, each \$25; newspaper offices, weekly, each \$15; newspaper offices, monthly or otherwise, except daily or weekly, each \$10; wood sawyers, by machinery, each \$15; each railroad company having an office in or running cars in or into the city for the business of transporting freight and passengers from Birmingham to other points in the state, and from other points in the state to Birmingham, \$500; each sleeping car company having an office in or running cars into said city for the business of transporting and accommodating passengers from Birmingham to other points in the state, and from other points in the state to Birmingham, \$100; each railroad or steamboat ticket broker or scalper, \$25; each loan association or company making loans in the city, \$100; candy manufac-

License tax

## License tax

turies, each \$10; each dealer in machinery or agricultural implements, when principal stock in trade, \$25; each corn or flour mill, \$50; each agent for the sale of cotton gins, \$25; each buggy, wagon, or carriage manufactory or repair shop, \$25; each water company, \$500; laundries, each \$25; each wholesale dealer in oils or agent for same, \$50; each contractor or firm of contractors, \$25; each person running a hand cart, \$10; each stencil cutter, \$10; each cotton press or compress, \$100; each drummer or runner for a hotel or boarding house, ten dollars; each saw mill, fifty dollars; each sash or blind factory or agent for same, fifty dollars; each person or clerk engaged in the business of making abstracts of titles, ten dollars; sausage factories, each ten dollars; lawyers, doctors, dentists, whose gross business does not exceed three thousand dollars, each ten dollars; whose gross business exceeds three thousand dollars but does not exceed five thousand dollars, each fifteen dollars; whose gross business exceeds five thousand dollars, thirty dollars; junk dealers or dealers in hides or old iron, each twenty-five dollars; each drover or dealer in horses or mules, other than liverymen, fifty dollars; cabinet makers or proprietors of wood shops, each ten dollars; building and loan associations, each one hundred dollars; cotton buyers or brokers, each twenty-five dollars; each merchant tailor, twenty-five dollars; every grinder of a hand-organ or strolling band of music, per week, five dollars; each theatrical, opera or other troupe acting or performing in the city each day, five dollars; civil engineers and surveyors, each twenty-five dollars; bill or note collectors, each ten dollars; each intelligence office, twenty-five dollars; every bottler of beer or ale, twenty-five dollars; dealers in ice, each ten dollars; each gas company or other light company or fuel gas company, five hundred dollars; brewers or breweries, one hundred dollars each; each street railroad company, whether its cars are operated by animal, steam, or other power, two hundred and fifty dollars; each bill poster or distributor, ten dollars; each gun shop or gun repair shop, ten dollars; each dye house, ten dollars; each cigar manufactory, ten dollars; each millinery establishment, ten dollars; each person who



gives suppers, not exclusively for charitable purposes, where a charge is made, five dollars; each dancing house or hall, fifteen dollars; each public hall, ten dollars; theatres, concert or music halls, one hundred dollars. The businesses, exhibitions, occupations and professions taxed by the state, the said city may tax and license in such sums as the board may deem just and proper; and the said board of mayor and aldermen shall have the right to tax and license all businesses, trades, occupations, exhibitions and professions not above enumerated or provided for, and to fix the amount of the license at such sums per annum or for a shorter time as the board may deem just and proper. The license to be issued under this act and the ordinances passed in pursuance thereof, shall be signed by the mayor and city clerk, and for the issuance of the license they shall be entitled to charge a fee of one dollar each, to be paid into the city treasury. Whenever any person, firm, or corporation whose business, occupation or profession shall be taxed and licensed as aforesaid, shall be engaged in interstate commerce, as well as commerce wholly within the State of Alabama, then the board of mayor and aldermen shall have full power and authority to tax and license as aforesaid, the state commerce without prohibiting, regulating, taxing or requiring license for the interstate business of such person, firm or corporation. 32. The board of mayor and aldermen shall have the power to assess, levy and collect against general dealers in merchandise, resident of said city, a tax of one-half of one per cent on the first of January of each year, and to assess, levy and collect against general dealers in merchandise, who are transient, a tax of one-half of one per cent on the largest amount of merchandise on hand at any one time, while engaged in business; *Provided*, That the tax above provided shall be in lieu of the *ad valorem* tax of one per centum hereinafter authorized to be imposed on such merchandise, and the said board of mayor and aldermen shall have power to assess, levy and collect taxes on all property in said city for each year, not exceeding one-half of one per centum on the value thereof as assessed for the state taxation the preceding year, and for debts and liabilities if any ex-

License tax

Taxes

## Taxes

isting at the time of the ratification of the constitution of Alabama of 1875, and the interest thereon, an additional rate of one per centum may be assessed, levied and collected, to be applied exclusively to such past indebtedness. The assessments herein mentioned are to be made by the clerk of said city, or some other person thereunto authorized and appointed by the board, from the state and county assessment books, as assessed for the state taxation the preceding year, and it shall be the duty of said board to associate with the county tax assessor one or more good and discreet citizens of the city, who shall assist the said county tax assessor in assessing the property of said city. If it shall appear that any property has escaped taxation by the state, the municipal officers on its discovery shall report the same to the tax assessor or collector of the county, whose duty it shall be to assess the same, whereupon the said board shall have full power and authority to levy and collect the full rate allowed by the constitution of the state upon such property for the proper year or years as allowed by the constitution. If any property in said city is assessed and taxed by the state the preceding year, it may be taxed by said city as aforesaid for the current year, whether in existence on the first day of January of the current year or not. If any property has escaped city taxation in previous years, or shall escape hereafter for any year, the board shall have full power to provide for the assessment and collection thereof in a manner not inconsistent with the state constitution. The board shall be authorized to provide for the assessment and collection of city taxes to the amount of one-half of one per centum of the value of the property, on railroad, telegraph and such like property, and to take values from the state board of equalization for the preceding year.

## Tax sales

SEC. 22. *Be it further enacted*, That the city of Birmingham shall have a prior lien upon all real and personal estate assessed for taxes over and above all other liens, that may exist thereon except those of the state, and upon all sales made under and by virtue of such assessment. The tax collector of said city shall by a deed convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that

of any liens then existing, save those of the state; *Provided*, That when a tax is assessed upon property, the owners of which are not known, thirty days notice of the sale by advertisement for once a week, specifying the amount of the tax, shall be given in some newspaper in said city before sale; *And, provided further*, That no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed, as belonging to any other person than the owner or as the property of an unknown owner, or on account of any informality or irregularity whatever, in any of the proceedings for its assessment or sale, unless the person seeking to impeach said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on such assessment and the proceedings for sale were paid at the time of such sale.

SEC. 23. *Be it further enacted*, That the said board is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate and personal property belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or subdivision of lots, or so much of the property as may be necessary to pay the taxes due, and that the owner or any one for him, or any mortgagee, or person having a lien, or transferee, be allowed to redeem at any time within two years from the sale, on paying the purchaser or city treasurer for him double the amount of the taxes, costs, and expenses of sale paid by the purchaser, and five dollars for the expense of a re-conveyance and legal interest on the amount paid at such sale, from the date of sale to the day of redemption. Any surplus arising from said sale shall be paid into the city treasury, to be kept as a separate fund by said officer, for the owner, upon the responsibility of his official bond. Interest shall be collected on all taxes assessed from the first day of May next, after the assessment, if not paid by that day; and when any lot or part of a lot has been assessed to any unknown owner, the assessment shall be *prima facie* evidence of the fact, and the board may by its agent, purchase real estate sold for taxes, and in such event,

Right to redeem

the deed for the same shall be made to the mayor of said city, and his successors in office, to be held by him or the city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed, the mayor shall reconvey to the owner at the expense of the latter as aforesaid.

Sinking fund  
Power to collect

SEC. 24. *Be it further enacted*, That the mayor and aldermen of said city are hereby authorized to establish a sinking fund to provide for the payment of the interest on any bonds that may now be outstanding, or that may hereafter be issued by law, and for the payment and redemption of such bonds at maturity, and they may appropriate to said fund, not exceeding twenty-five per cent. of the revenue received on account of license and taxes on all property within said city. The mayor and aldermen shall have power to collect all taxes of said city, and all fines and forfeitures imposed for any violation of any ordinances or charter provision, by execution, levy and sale, and from the operation of such execution, no property of any citizen of said city, or other person against whom the same runs shall be exempt, but this mode of collection shall not prevent the collection thereof in any other manner that may be authorized by this act or by law.

Working on streets

SEC. 25. *Be it further enacted*, That said board shall have authority to require all male inhabitants of said city who have resided therein for ten days and who are between the ages of eighteen and fifty years to work upon the streets of said city for at least five days in each year, under the direction of such officer as the board may appoint; *Provided*, That any person so required to work may relieve himself from so working by paying into the city treasury a sum to be fixed by the board, not exceeding five dollars. All moneys so collected or paid in, to be used and applied exclusively to the improvement of the streets, *Provided further*, That the inhabitants of said city shall be exempt from working on roads and highways outside the limits of said city; *Provided further*, That no male inhabitant of said city, between eighteen (18) and fifty (50) years shall be exempt from the operation of this section, except such as the board may hereafter expressly by ordinance so exempt.

SEC. 26. *Be it further enacted*, That it shall be unlawful for any officer of said city, either directly or indirectly, by himself or by his agent, to purchase, deal in or traffic in any manner in a claim, debt, warrant or scrip due from the city, and any such person found so dealing shall be guilty of a misdemeanor against said city, and shall on conviction in the recorders court, be punished by a fine of not less than ten, nor more one hundred dollars, and shall forfeit his office, but nothing herein shall prevent an officer or his agent from selling such claims as he may have on hand, at the passage of this act, or may acquire directly from the city, or from receiving in good faith any city claims in payment of a debt due to him, or from purchasing in good faith as much of such claim as may be necessary to pay his taxes and licenses for the current year.

Dealing in  
city claims

SEC. 27. *Be it further enacted*. That whenever any person is in the custody of the city authorities, before or after a conviction of a violation of a city law, and is held for such by the city authorities and such prisoner has violated any state law, and is charged therewith, such prisoner shall be held by the city authorities until the sentence of the recorders court shall be fully performed and discharged, except in cases of a charge of felony by the state authorities, in which event they shall deliver the prisoner to the sheriff of Jefferson county, to be delivered to the custody of the proper officer, and after the prosecution of said party by the state shall have ended, and the party discharged, either by acquittal or by paying or otherwise satisfying the judgment against him, it shall be the duty of the state authorities to return the prisoner to the city to be dealt with as the charter and ordinances of the city may authorize.

Prisoners  
violating  
state law

SEC. 28. *Be it further enacted*, That the board may pass necessary ordinances to compel prisoners sentenced in the recorders court to work upon the streets, or elsewhere, who refuse to work when being under such sentence; and in the event the city has not sufficient room in its prison for its convicts, such persons may be confined in the jail of Jefferson county until other provisions can be made for them. During such confinement the sheriff shall receive from the city the

Prisoners

same compensation for keeping said prisoners that he receives for other prisoners.

Poll tax

SEC. 29. *Be it further enacted*, That the mayor and aldermen of Birmingham shall have full power and authority to assess, levy and collect a poll tax from the inhabitants of said city, liable to pay the same, to be applied exclusively to the public schools of the city. The poll taxes collected from the white inhabitants shall be for the benefit of the free white schools, and those collected from the colored inhabitants shall be for the benefit of the free colored schools of the city—said taxes to be assessed and collected by such officers as the board may appoint under such rules and regulations as it may prescribe; such officers to have the same rights, powers and remedies for the collection of such poll taxes as are now possessed by the tax collector and other officers of Jefferson county.

Sewers

SEC. 30. *Be it further enacted*, That said mayor and aldermen of Birmingham shall have the right to build, and construct under ground sewers through private property anywhere in said city, or the police jurisdiction thereof, paying to the owner such damages, if any, as will thereby be done to said property, and for the purpose of ascertaining such damages said city may proceed by writ of *ad quod damnum* as now provided by law in such cases; except that the jury shall consist of only five freeholders of said city, and such jurors shall be entitled to only one dollar per day each while serving. In case one continuous sewer is to be run through the land of several owners, the whole may be joined in one proceeding, the damages, if any, however, to be assessed to each owner separately.

Public  
schools

SEC. 31. *Be it further enacted*, That the mayor and aldermen shall have power to establish and maintain free white public schools and free colored public schools in said city, in which the children and wards from seven to twenty-one years of age, of all actual residents, within the corporate limits, shall be entitled to seats as pupils; *Provided*, such children are themselves *bona fide* residents of said city; but non-resident children may be admitted into such schools on such terms as the board of education may prescribe, and



separate schools shall be provided for the children of citizens of African descent. The public schools of said city shall be under the charge of the board of education, to consist of the mayor and six other persons, to be elected by the mayor and board of aldermen. The board of education existing at the time this act goes into effect, shall exercise the powers and perform the duties hereinafter provided; and the members thereof shall hold office during the time for which they were elected. The successors to each of said board shall be elected at the expiration of the term of such members, two members being elected annually, and the term of office shall be three years. Each member of the board of education, except the mayor, shall, upon his induction into office, take an oath, to be administered by the mayor, to faithfully discharge his duties as a member of said board. The board of education shall have the following powers and duties: 1. To build upon the school property of the city suitable houses for the use and accommodation of the public schools, or to rent such houses, and to keep such houses in repair, and furnish the same with proper furniture and apparatus. 2. To open a sufficient number of schools to meet the wants of the population of the city; elect a superintendent of schools, the principals and all teachers, fix their compensation and prescribe their duties; control the distribution of teachers and pupils among the several schools; dictate the course of instruction, the number and character of text books, the organization of classes, and the method of teaching; to prescribe rules and regulations for the government of the schools, and to exercise such additional powers as will be necessary to give it complete control of the public schools of the city; but the plan of instruction and the rules and regulations adopted by the board of education shall be adhered to unless altered by a two-thirds vote. 3. To issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public high school. 4. To charge in the high school such incidental or other fees as may be deemed necessary for the proper conduct thereof; but no fee, or charges of any description, must be made in any of the schools of lower grade than the high school. 5. It shall be the

Board of  
educationPowers and  
duties

Powers and  
duties

duty of the board of education, before the first Wednesday in April in each year, to prepare and file with the mayor, an estimate of the money that will be required for the maintenance of the public schools for the succeeding scholastic year, and the erection and repair of necessary school buildings; and the board of mayor and aldermen of said city shall, so far as they are able with the means at hand, of which the mayor and aldermen shall be the judges, make the necessary provisions to supply whatever additional funds may be necessary to meet the estimate so made. All funds devoted to public school purposes in said city, whether derived from the state, county or city, shall be paid into the city treasury, and shall be disbursed as the board of education may direct; *Provided*, that not more than four per cent of the money derived from the state shall be used otherwise than for the payment of teachers employed in such schools. 6. To create a board for the examination of applicants for positions as teachers in the public schools of the city; and no person shall be elected as a teacher in such schools who shall not have received a license from such board; and the board of education may in its direction institute competitive examinations of applicants for positions as teachers in the public schools, including licensed teachers, who are applicants for re-election.

Sidewalks

SEC. 32. *Be it further enacted*, That the said mayor and aldermen of Birmingham shall have full power to pass ordinances and resolutions for the grading, paving or repairing of sidewalks, and for keeping same clean, and for planting shade trees thereon by the respective owners of real estate fronting thereon; and to enforce obedience to such ordinances by such fines, forfeitures, penalties and punishments as they may provide, to be assessed and collected as prescribed by this act therefor.

Sidewalks,  
streets, etc

SEC. 33. *Be it further enacted*, That in addition to the powers conferred by the preceding section, the said board of mayor and aldermen of Birmingham shall have full power and authority to cause and procure all or any sidewalks along the streets, avenues and alleys now established, or hereafter to be established, in said city, and any or all streets, avenues, and alleys now ex-

isting, or hereafter established in said city, to be graded, leveled, curbed, graveled, slagged, cindered, paved or macadamized, or to be re-graded, re-leveled, re-curbed, re-graveled, re-slagged, re-paved or re-macadamized, in such manner, by such methods, and of such material as said board may deem best and proper; and after the said mayor and aldermen shall have done such work, or cause the same to be done, the cost and expense thereof shall, after the completion thereof, be by said mayor and aldermen assessed upon and against the abutting land or lots lying on or adjacent to the streets, avenues and alleys along or on which said work was done; the assessments to be so made that each piece of said property shall pay off the expenses of any such improvements, a fractional share thereof, proportionate to its front on any such street, avenue, alley or sidewalk, or part thereof so improved; and if such improvement is made only in front of one lot at one time, then such lot shall be liable to the whole cost of improvement. The said assessment shall be and constitute a lien upon the lands and lots respectively upon and against which they shall be so made, from the time the work is begun thereon, superior to all liens except those for taxes; but not more than one-half of the cost of improving, as aforesaid, the roadway, exclusive of the curbing and sidewalk of any street or avenue, shall be assessed against such abutting property. After such work shall have been completed in front of or abutting any land or lot, the board shall have the city clerk to give ten days notice in writing, to be served by the chief of police, or any policeman, whose return shall have the force of a sheriff's return, on the owner or owners of any land or lot so to be assessed, of the time and place at which they will meet to consider and determine the amount to be assessed against him or them on his or their said property; at which time and place said parties may appear, if they desire, and make any defense they may have, if any, and at such time and place or any future time and place to which the proceeding may be continued, the board of mayor and aldermen shall have power to determine the amount of the assessment, and enter the same in the records of the city. If such assessments

Sidewalks,  
streets, etc

Sidewalks,  
streets, etc

are not paid in thirty days, together with the cost and expenses thereof, the same may be collected as other taxes by the city tax collector. The said mayor and alderman may also bring an action at law or file a bill in chancery in any court having jurisdiction to enforce and collect said assessment, and to enforce the lien thereof, and in any judicial proceeding, the amounts assessed by said board as aforesaid shall be *prima facie* correct. The mayor and aldermen shall have the power to transfer said assessment and its claims therefor to any other person, who shall then be entitled to have the lien enforced for his benefit. The said mayor and aldermen shall have power and authority to pass all laws and ordinances to secure to owners or others the right to redeem any lot sold to satisfy any such assessment under such regulations as they may establish.

Serving  
notices

SEC. 34. *Be it further enacted*, That the notices required to be given owners by the preceding section, prior to such assessment, may be served by leaving a copy thereof with the agent of any owner who is a non-resident of the county of Jefferson; and if he have no agent, then by advertisement once a week for two weeks in some newspaper in said city, and in case of minor residents, by leaving same with minor's father if living, or if father not living, then with mother or guardian; if such do not live in the county, then with the head of the family with whom minor resides; if minor is a non-resident, then by the advertismen above provided for non-resident adult owners; *Provided, however*, that no informality or irregularity shall render said assessment void, nor shall it be void because notice was served on wrong person, but the same shall be held *prima facie* correct and a lien on said lands or lots. But the real owners, when not served, may appear before the board within ten days, after actual notice of the assessment, and have any error, if any, corrected therein. The board shall have the power to collect interest on any assessment from the date thereof.

Powers

SEC. 35. *Be it further enacted*, That the board of mayor and aldermen shall have full power and authority to pass any other laws or ordinances they may deem necessary to carry into effect the rights they possess to improve the highways of the city as aforesaid at the

expense of abutting property owners, and to assess the same according to frontage or benefits, as they deem best, and to provide the machinery for the assessment and collection of such assessment, and to make them a lien on such abutting property, and the power granted by this section is an additional grant, and shall not affect the rights and powers above conferred upon said board of mayor and aldermen; but the city shall not be liable for the failure by the board to exercise these and other powers in respect to streets, avenues, alleys and sidewalks.

SEC. 36. *Be it further enacted*, That no suit shall be maintained against said city upon any claim for money until application shall have been made to the board for payment thereof, and the said application refused in whole or in part, or the board fail at the next regular meeting to act thereon. Suits

SEC. 37. *Be it further enacted*, That no prosecution, suit or claim whatsoever, pending or to be brought under existing laws, and no right of action accrued, nor proceeding commenced, nor prosecution now or hereafter commenced, for any offense already committed, nor any existing right, remedy or defense shall be impaired, affected or altered by the passage of this act. Nor shall any fine, forfeiture or penalty already accrued be released or impaired thereby, but all such rights, proceeding, prosecutions, remedies, defenses, fines, forfeitures and penalties shall be enforced under the laws existing at the time they began or accrued, in the same manner as if this act had not been passed, and all existing laws and ordinances of said city adopted in pursuance of law shall remain in force until repealed or modified by the mayor and board of aldermen of Birmingham, as far as the same are not in conflict with this charter, and all powers granted by this act must be liberally construed in favor of the power of the city to pass such laws. Effect of this act

SEC. 38. *Be it further enacted*, That this act shall go into effect on the 31st day of December, 1890.

Approved December 12, 1890.

To incorporate the City School Board of Selma.

SCHOOL BOARD

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That George O. Baker, Courtney J. Clark, Edmund W. Pettus, William E. Wailes, George Peacock, A. M. Fowikes, R. M. Nelson, Samuel M. Sterne, Jonathan Haralson, William P. Armstrong and Hugh S. D. Mallory, who are now the trustees of Dallas Male and Female Academy, and their successors in office as such trustees, be and they are hereby incorporated by the name of The City School Board of Selma.

NAME

POWERS

SEC. 2. *Be it further enacted,* That the city school board of Selma shall have exclusive power to establish, regulate, control and conduct the public schools in the school district of Selma, and shall be capable and liable in law and in equity to sue and be sued, to plead and be impleaded, and shall have power to make such by-laws, rules and regulations for the government of their own body, and to make such rules and regulations for the election and pay of teachers, the admission of pupils, and the conduct and control of public schools in the school districts of Selma as they may deem necessary, not inconsistent with the constitution or laws of this state or of the United States.

SEPARATE SCHOOL

SEC. 3. *Be it further enacted,* That the city school board of Selma shall have power to divide Selma into school districts and to erect, purchase or rent buildings for public schools, and to furnish and keep the same in repair; to establish and control separate schools in Selma for the education of children of African descent, and separate schools for the education of white children, and to regulate the admission of pupils to all such public schools in Selma; and to establish a high school for teaching the higher branches of education and to award diplomas to graduates of the high school, under such regulations as they may adopt, and the city school board of Selma shall have power to collect a contingent fee from each pupil, not to exceed two dollars for any scholastic year to meet current expenses, and to fix and collect such tuition fees in the high school as may be deemed necessary, in addition to their income from other sources to carry on said school.

CONTINGENT FEE



SEC. 4. *Be it further enacted*, That all money appropriated to public schools in Selma by this state shall be paid out by the superintendent of education for the school district of Selma, as now provided for by law, but all money collected by Selma as a special tax under its charter, and all money collected by Selma for the purposes of public schools in Selma shall be paid to the treasurer of the city school board of Selma, to be disbursed by him under the directions of the city school board of Selma, and shall make annually in June a statistical and financial report to the city council of Selma. Public school money  
Annual report

SEC. 5. *Be it further enacted*, That the city school board of Selma shall have power to appoint such officers and agents as they may deem necessary to carry into effect the powers herein granted, and to prescribe the duties of such officers and agents. Officers and agents

SEC. 6. *Be it further enacted*, That nothing in this act contained shall be construed to be an amendment of the act of the Legislature of the State of Alabama, approved January 30th, 1845, whereby the trustees of Dallas Male and Female Academy were incorporated. Act of 1845 not amended

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Laws in conflict repealed

Approved December 10, 1890.

74]

AN ACT

[s. 59

To authorize the City Council of Montgomery to issue bonds for school purposes, and for funding its Market House Bonds, and for paving the streets of the City of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city council of Montgomery be, and it is hereby authorized to issue bonds to the amount of ninety-five thousand dollars (\$95,000), all of said bonds to be coupon bonds bearing interest payable semi-annually or quarterly at such place or places as may be designated therein, and shall be issued under the corporate seal of the said city Bonds

council, and be signed by the mayor and clerk of said city; to bear interest at a rate not exceeding six per cent, and to run for such time not exceeding thirty years from their date, as may be determined by the said city council; none of said bonds to be of a lower denomination than \$100.00 and shall not be sold or disposed of by said city council at less than their par value.

Negotiable

SEC. 2. *Be it further enacted,* That the bonds and coupons for interest thereon issued under this act, shall be negotiable paper, and may be made payable to bearer, but the holder of any of such bonds may convert the same into a registered bond by an entry on the back of such bond, that said bond is registered, made in the presence of, and witnessed by the treasurer of said city; and thereafter while said bond remains so registered the same shall not be either negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are registered, or to the personal representative or successor in trust of such person. It shall be the duty of the city treasurer to keep a record of the bonds so registered, and any bond so registered may be rendered again negotiable by an endorsement thereon by the lawful holder thereof, that said bond is negotiable, made in the presence of, and witnessed by the city treasurer, who shall thereupon note on the record of registration that such bond so endorsed is no longer registered; such indorsement can only be made by the person in whose name the bond is registered, or the personal representative, or successor in trust of such person; and the city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person, by reason of allowing the indorsement of any registered bond by any person other than the person in whose name the same is registered, or the personal representative or successor in trust of such person; but in all cases where the treasurer shall have any doubt of the right or lawful authority of any personal representative, or successor in trust, to make said indorsement, the treasurer may re-

quire the person claiming the right to make such indorsement, to procure at his or her own expense, the decree of a court of competent jurisdiction, authorizing such person to make such indorsement, and such decree shall protect the treasurer from all liability for allowing said indorsement.

SEC. 3. *Be it further enacted*, That of such issue of bonds, the sum of twenty-five thousand (\$25,000) dollars shall be used and applied by the said city council exclusively for erecting, maintaining and equipping the public schools of, or in said city, the said sum to be so used under the direction and control of said city council as it may deem best for the promotion of the purposes aforesaid.

Public  
schools

SEC. 4. *Be it further enacted*, That of said issue of bonds, the sum of twenty thousand dollars (\$20,000) shall be used and applied by the said city council exclusively, for the purpose of funding the outstanding bonds of said city, known as market house bonds, in such manner as may be provided by ordinance by said city council.

Market house  
bonds

SEC. 5. *Be it further enacted*, That the remainder of such issue of bonds, to-wit: the sum of fifty thousand dollars (\$50,000), shall be used and applied by the said city council, for the purpose of macadamizing, paving or improving in a similar manner any street or streets of said city, which may be selected for that purpose by said city council, and under such regulations as the said city council may prescribe.

Paving  
streets

SEC. 6. *Be it further enacted*, That if any portion of the bonds hereinabove directed to be applied to special purposes, should not be needed or required for such special purpose, then and in that event, the said city council may apply such excess to any of the other special purposes provided for in this act. And the said city council is hereby authorized to adopt such ordinances as may be necessary to carry into effect the provisions of this act.

Surplus

SEC. 7. *Be it further enacted*, That no action taken by the said city council in reference to the application of the funds arising from the sale of said bonds, shall be valid unless the same is taken by ordinance or ordinances, approved by the mayor as required by the

Ordinances

charter, or if the mayor should veto such ordinance or ordinances, then until the same shall have been passed by the council over such veto by a vote of two-thirds of the members elected to such council.

Approved December 10, 1890.

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AN ACT

[s. 166

To authorize and empower The Nashville, Chattanooga and St. Louis Railway to construct, operate and maintain its road or a branch thereof, in and through the counties of Madison, Marshall and Etowah in the State of Alabama.

Railroad

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Nashville, Chattanooga and St. Louis Railway, a corporation chartered under the laws of the State of Tennessee, be and the same is hereby authorized and empowered to construct, operate and maintain its road or a branch thereof, in and through the counties of Madison, Marshall and Etowah in the State of Alabama, beginning at Huntsville, in Madison county, and extending thence through the counties of Madison, Marshall and Etowah, to Attalla or Gadsden in said Etowah county.

SEC. 2. *Be it further enacted*, That the said Nashville, Chattanooga and St. Louis Railway shall have and enjoy all the rights, privileges and immunities not in conflict with the constitution of the State of Alabama, and be subject to such restrictions as are granted to and imposed upon said Nashville, Chattanooga and St. Louis Railway by the act or acts chartering the same, so far as said railway lies in the counties of Madison, Marshall and Etowah, or may hereafter be constructed therein.

Approved December 10, 1890.

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## AN ACT

[H. 278

To authorize the City of Bessemer to issue its bonds for an amount not exceeding (\$50,000.00) Fifty Thousand Dollars for the purpose of building and constructing sewers, improving the streets, building school houses, making other permanent improvements in, and paying the floating debt of said city.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the board of mayor and aldermen of the city of Bessemer, be and they are hereby authorized to issue bonds of said city of Bessemer to an amount not exceeding fifty thousand dollars (\$50,000.00) or so much thereof as said board may deem necessary for the purpose hereinafter named, in denominations of not less than one hundred dollars (\$100.00) each and payable thirty (30) years from date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness in the city of New York at some bank designated by the board. Bonds

SEC. 2. *Be it further enacted,* That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor, and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act. Duties of  
mayor and  
treasurer

SEC. 3. *Be it further enacted,* That said mayor and aldermen of Bessemer are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all their properties and protection of commercial paper, and at and after maturity thereof, shall be receivable for all dues to the city in the way of taxes and otherwise. Mayor and  
aldermen

How proceeds to be used

SEC. 4. *Be it further enacted*, That said mayor and aldermen of said city, are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, and the proceeds of said bonds shall be paid over to, and kept by the treasurer of said city, to be used and applied in building and constructing sewers in said city, and in paying whatever floating or outstanding debt, said city may have at the passage of this act, not to exceed ten thousand dollars (\$10,000.-00) and in building school houses and furnishing the same, and in making permanent improvement on the streets of said city; *Provided*, that none of said bonds shall be sold for less than their par value.

Separate account

SEC. 5. *Be it further enacted*, That the proceeds of said bonds shall be deposited in a separate account in such bank or banks as shall be designated by the board, and shall be kept separate from the general account of the city, and the use, payment and application of said money shall be under the direction of said board of mayor and aldermen of Bessemer, and that said treasurer shall be responsible for the safe keeping of the proceeds arising from the sales of said bonds, which may come into his hands in his official capacity the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

Priority

SEC. 6. *Be it further enacted*, That the bonds herein provided for shall have priority over all bonds of said city hereafter to be issued, and it shall be the duty of said mayor and aldermen of Bessemer to provide for the payment of the same, principal and interest, before providing for the payments of bonds which may hereafter be issued by said city.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 10, 1890.



77]

## AN ACT

[H. 150

To provide for an election in the various beats, or parts of beats, in the county of Clay, on the subject of "stock running at large" in the beats or parts of beats in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever forty or more freeholders and householders in any beat or part of a beat in Clay county shall petition the probate judge of said county, in writing, asking for an election to be held in said beat or parts of beats, to decide whether in said beat or district, stock shall be prohibited from running at large, the probate judge shall order an election in such beat or district at some central point in said beat or district, which order shall be published by notices posted in at least three public places in said beat or district, for thirty days previous to said election, specifying the day of election, to decide whether in such beat or district stock shall be prevented from running at large.

Election on  
stock law  
district

SEC. 2. *Be it further enacted,* That the probate judge shall appoint two managers of such election, one who favors and one who opposes such law. At such election the qualified voters within the beat or district shall be allowed to vote only. Those favoring the running at large of stock shall have on their ballots the words "stock at large;" and those opposing shall have on their ballots the words, "no stock at large;" said words to be either printed or written, or both printed and written. The ballots so cast, at the close of such election, shall be counted by the managers, and the result certified to the probate judge within two days after the election. If a majority of the votes cast as certified by the managers are in favor of prohibiting stock from running at large, the said judge shall enter an order on the minute books of the county commissioners, and shall at once cause such order to be published by posting notices at three public places in said beat or district; and sixty days after posting such notices, this act shall apply and be in full force and effect in said beat or district; and it

Words on  
ballots

## Penalty

shall be unlawful, after the expiration of said sixty days, for the owner of any stock to permit such stock from running at large in said beat or district; and for the willful violation of this section the owner of such stock running upon the lands or crop of another, shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined not less than five nor more than fifty dollars; and the term "stock," where it occurs in this act, shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs, and pigs.

## Challengers

## Contest

SEC. 3. *Be it further enacted*, That every election provided for in this act, the probate judge shall appoint two challengers, one favoring and the other opposing the law; if any contest arises as to the result of any election held under the provisions of this act, the party so contesting shall file with the probate judge, within five days after said election, his objections to granting the order prohibiting the running at large of stock, and shall give bond with sufficient security, to be approved by the probate judge, to pay the costs of the contest; and thereupon the said judge shall cause the sheriff to summons twelve jurors, residing outside of said beat or district, who shall sit on the trial of said contest; and said jury shall be sworn by said judge to render a true verdict; and on a day to be named by the judge, not less than five nor more than ten days from the filing of the contest, a trial shall be had, at which the judge shall preside, and conduct the same as other trials. The issue to be decided on such trial shall be: First, was said election held according to the provisions of this act? Second, was the result for, or against stock law?

## Managers

SEC. 4. *Be it further enacted*, That the election provided for in this act shall be held under the rules governing general elections in this state; that the managers may administer oaths to each other that they will faithfully and truly manage said election, and to make a correct return thereof to the judge of probate. If either of the managers appointed fail or refuse to serve, any other competent man or men residing in said beat or district may serve; *Provided*, there shall be but one election held under this act, in

any one year; and any officer failing to perform his duty under this act shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars.

SEC. 5. *Be it further enacted*, That for any damage done by stock running at large in such prohibited territory, the owner of such stock shall be liable to the injured party in actual damage done, to be recovered by suit before any court having jurisdiction; and any such judgment recovered shall be a lien on the stock so committing the damages; and the court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment, unless the said judgment shall at once be otherwise satisfied and settled. Damages

SEC. 6. *Be it further enacted*, That the prosecutions and civil actions provided for in this act may be tried before any justice, or notary public with justice's jurisdiction, in the beat where the offense or damage occurs, and when the amount of damages does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trial shall be before a justice of the peace or notary public of the nearest beat thereto. For such trials and prosecutions said justice's courts shall always be open; but three days shall be given to the opposite party. To be tried before justice of the peace

SEC. 7. *Be it further enacted*, That before this law shall go into effect in any beat or district after any election held under the provisions of this act the citizens of such prohibited beat or district shall erect a lawful fence on or near the line of the prohibited beat or district where stock has not been prohibited from running at large. Shall erect fence

SEC. 8. *Be it further enacted*, That the petitioners shall pay the costs of holding any election provided for in this act. Costs

SEC. 9. *Be it further enacted*, That any petition for an election under the provisions of this act, for any district other than an entire beat, the petition shall set forth clearly and distinctly the boundaries of such district. Boundaries

SEC. 10. *Be it further enacted*, That whenever one hundred or more of the resident householders and freeholders of Clay county shall petition the probate judge in writing, asking for an election for the whole county on the subject of stock running at large, the said judge shall order an election to be held in the different beats in the county, to be governed by the same rules as prescribed in the preceding sections of this act, except that in case an election is ordered for the entire county, the notice of the same shall be published in some newspaper in the county instead of posting notices in the beats, and that the expenses of the election shall be paid out of the county treasury, instead of being paid by the petitioners.

Approved December 10, 1890.

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AN ACT

[H. 153

To establish a new Charter for the City of Cullman, Alabama.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Cullman, Alabama, shall be and continue a body politic and corporate by the name of the "City of Cullman," and by their said corporate name may sue and be sued, plead and be impleaded, either at law or in equity, in all the courts of this state; may receive and grant, and do all other acts as natural persons in respect of the powers herein granted; may purchase, receive and hold personal, real and mixed property of any value, using and disposing of the same for the benefit of the said city; may sell, grant and convey any of said property, and do all other acts as natural persons, and may have and use a corporate seal, which may be broken or changed at pleasure.

SEC. 2. *Be it further enacted*, That the corporate limits of said city of Cullman shall be as follows, to-wit: Beginning at the northeast corner of section fifteen, township ten of range three west, thence north one-fourth of a mile; thence west one mile; thence south

to tenth street in said city; thence easterly on tenth street to the section line between sections fourteen and fifteen in township ten of range three west, and thence north on said section line to the place of beginning.

SEC. 3. *Be it further enacted*, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and six councilmen, who shall be elected on the first Monday in April, 1891, and every two years thereafter, and who shall hold office for the term of two years from the date of their election, or until their successors are elected and qualified. City government

SEC. 4. *Be it further enacted*, That the mayor and councilmen now in office in the town of Cullman, and each subsequent mayor and councilmen of the city of Cullman shall cause the elections to be held as provided for in this act; that said elections shall be held at such place or places within said corporate limits as the acting mayor and councilmen may determine; that the acting mayor and councilmen shall have the power to appoint three inspectors or managers to hold the elections for each polling place, who shall take the oath of office and be governed in their duties by the general state election laws. Thirty days notice by publication in some newspaper published in said city of Cullman of the time and place when and where it will be held, and of the persons appointed as inspectors thereof, shall be given of each and every election held under this charter, signed by the mayor and clerk of said city. The marshal of said city, in office at the time of any election held under this charter, shall be the returning officer of said election, and the clerk of said city, or the person acting as such at the time any election is held under this charter, shall act as registrar of voters at said elections; that the elections provided for herein shall be regulated by the general state election laws, except as changed herein. Election

SEC. 5. *Be it further enacted*, That all male persons shall be qualified voters at said elections in said city, who are qualified voters by the constitution and laws of the state, provided they have resided within said corporate limits for at least three months immediately preceding the election. Voters

Eligible to office SEC. 6. *Be it further enacted*, That any elector of said city, who has resided therein for at least twelve months immediately preceding the election, and who is a freeholder or householder therein, shall be eligible to the office of mayor or councilman of said city, and should the mayor or any councilman thereof remove therefrom, his office is thereby vacated.

Vacancies SEC. 7. *Be it further enacted*, That whenever any vacancy shall occur, either by death, resignation, refusal to accept, or removal, in the office of mayor or councilman of said city, it shall be the duty of the remaining members forthwith to proceed to fill said vacancy by appointment, and the person so appointed shall continue in office until the next election, or until his successor is duly elected and qualified.

Ties in elections SEC. 8. *Be it further enacted*, That should two or more competing candidates for the office of mayor receive an equal number of votes, the councilmen chosen at the same election shall determine which of said candidates so receiving an equal number of votes shall be mayor; and should any two or more candidates for councilman receive an equal number of votes at any election, the mayor elected at that election shall decide and declare which of said candidates so receiving an equal number of votes shall be the councilman or councilmen, and the mayor and councilmen of said city shall provide by ordinance for the decision of any other tie between those aforesaid.

Election returns SEC. 9. *Be it further enacted*, That the marshal in office shall make returns within twenty-four hours after holding any election under this charter, to the mayor and councilmen then in office, of the votes at said election; that said mayor and councilmen shall then proceed to count said votes, and ascertain the result of said election, and shall issue certificates of election to the officers elected at said election, and such certificates shall be *prima facie* evidence of their election. The mayor and councilmen shall have the power to exclude and reject all illegal votes; that after counting said votes and ascertaining the result of the election, the mayor and councilmen shall seal up said votes or ballots, and they shall deposit the same with the city clerk for fifteen days, after which time, if no contest is made



of said election, or any officer elected at the same, they shall be burned by the mayor and clerk.

SEC. 10. *Be it further enacted,* That any election of any officer under this charter may be contested before the judge of the circuit court of Cullman county within fifteen days from the day of election in the same manner as is or may be provided by laws of this state for the contest of the election of a probate judge. Contests

SEC. 11. *Be it further enacted,* That should the election of city officers not take place on the day fixed by this charter, the corporation shall not from this cause be dissolved: the incumbents shall remain in office until their successors are duly elected and qualified, and it shall be the duty of the mayor and councilmen to appoint some other day as early as practicable on which the election shall be held, under the same regulations as is provided for elections under this charter. Incumbents  
serve until  
their suc-  
cessors  
qualify

SEC. 12. *Be it further enacted,* That the mayor and each councilman shall, before entering upon the duties of his office, take an oath that he will faithfully and impartially discharge the duties of his office. The city council may determine its own rules of proceedings, and prescribe the punishment of its members for non-attendance or disorderly conduct and enforce the same. Two-thirds of its members may expel a member for improper conduct while in office. The city council shall hold meetings at such times as it may determine, not exceeding two regular stated meetings per month, and it may adjourn the meetings from time to time. Councilmen shall receive no compensation. The mayor shall give bond in such amount as may be fixed by the council, and to be approved by them, and he shall receive such compensation as the council may determine. Oath of office

SEC. 13. *Be it further enacted,* That the mayor and council shall have the power to appoint a clerk, marshal, treasurer, tax assessor, tax collector, policemen, and such other officers as they may deem necessary, and remove them at pleasure, and fix their compensation and prescribe their duties; and said officers shall take the same oath of office as prescribed for the mayor and councilmen, and shall give bonds in such sums and with such sureties for the faithful discharge Appointed  
office

of their duties as the mayor and councilmen may determine, and to be approved by them.

Quorum

SEC. 14. *Be it further enacted*, That a majority of the city council shall be required to transact any corporate business, but any number not less than three may assemble at their regular place of meeting and adjourn from day to day, and compel the attendance of absent members under such penalties as the council may prescribe. In the absence of the mayor at any meeting the members present may elect a presiding officer, and in case of sickness or temporary absence of the mayor from the city, or inability to serve from any other good cause, he may appoint any one of the councilmen to act as mayor during such sickness or absence, and such mayor *pro tempore* shall have all the powers and shall perform all the duties of the same, including trials of cases in the mayor's court.

Mayor  
pro tem

Record of  
proceedings

SEC. 15. *Be it further enacted*, That the city council shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances, and shall enter the ayes and nays on any question, resolution, by-law and ordinance at the request of any member, and that all resolutions, ordinances, by-laws and proceedings of the council may be proved in any court or for any purpose by copy thereof certified to as being true and correct by the mayor or the clerk, and when printed and purported to be published by authority of the corporation the same shall be received in all courts and places in evidence without further proof.

Ordinances

SEC. 16. *Be it further enacted*, That all city ordinances shall begin as follows: "Be it ordained by the mayor and city council of Cullman," and shall go into effect after their passage, and publication for one insertion in a newspaper published in said city. When any ordinance or by-law is passed by the council it shall be presented to the mayor for his approval and signature, and if he approves and signs the same it shall become a law, but if he should not approve it, he shall return it with his objections to the council at the next regular meeting, and in case of his non-approval, or failure to return the same, as aforesaid, a vote of two-thirds of the councilmen in favor of said ordinance or by-law shall make it a law. The mayor shall be

Mayor's veto

required to veto only such parts of the ordinance or by-law as he may deem objectionable, and may approve the residue of the same.

SEC. 17. *Be it further enacted*, That it shall be the duty of the mayor to preside at the meetings of the council, and in case of a tie shall give the casting vote. He may at any time call a meeting of the council for the transaction of any and all business. Council meetings

SEC. 18. *Be it further enacted*, That the marshal and the other police officers shall have in said city all the powers of constables under the laws of this state, and be entitled to all the fees of such constables. They shall possess all the powers of a peace officer within the city limits. They shall execute the orders, notices and processes of the council or of the mayor, and including all subpoenas, executions, notices, writs and processes of any kind anywhere within said county of Cullman. They shall have authority to execute all ordinances and by-laws of the city, and must, with or without warrant, arrest all offenders breaking the peace or violating this charter, or any ordinance or by-law of the said city, and bring them before the mayor for trial unless they give bond for their appearance at the next mayor's court, to be approved by the officer making the arrest, and they shall perform all such other duties as the council may prescribe; *Provided*, That they shall not be required to execute any process as constable, or perform any of the duties of constable, except by the orders of the council or of the mayor or acting mayor. Authority of marshal and police  
Fees  
Duties

SEC. 19. *Be it further enacted*, That the mayor and councilmen of said city shall have full and complete powers: 1st. To make and adopt by-laws, ordinances and resolutions, in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of said city as they may think proper; and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in the general grant of powers, to ordain and pass such by-laws, ordinances and resolutions not inconsistent with the laws of the state as shall be needful for the government, police interest, welfare and good order of said Powers

## Powers

city; and to affix thereto such penalties for the violation of the same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding six months, as they may deem proper; and all persons convicted of any breach of the by-laws or ordinances of said city failing to pay or secure such fine, may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are fully paid; *Provided*, That any person shall have the right to confess judgment for the fine and cost in open court in the same manner as provided for the confession of judgment in criminal cases in the circuit courts, to be paid within thirty days from the date of confession of judgment, and on the failure to pay the same within the said thirty days, execution shall issue against the defendant and his sureties to collect the same. The Mayor and council may pass all needful laws to compel persons to work on streets or elsewhere who refuse to work when under the mayor's sentence for violation of any city by-law or ordinance, or this charter; but no female must be punished by subjecting her to work on the streets. 2. To levy and collect taxes upon all property, taxable by law for state purposes. 3. To levy and collect taxes upon all privileges, trades or occupations, of not less than five nor more than five hundred dollars. 4. To appropriate money and provide for the payment of the debts and expenses of the city, and also of the debts of the town of Cullman, of which it is the successor. 5. To make regulations to prevent the introduction of any contagious diseases in the city, to make quarantine laws for the purpose, and enforce the same within two miles of the city, and punish the breach of the same. 6. To establish hospitals and make regulations for the support and government thereof. 7. To establish a system of free public schools and regulate the same, and for this purpose may make any arrangement to help and assist or control the school in the city of Cullman of the "Cullman School District." 8. To make regulations to secure the general health of the inhabitants, and it has the power and authority to declare, prevent, and remove nuisances at the expense of the person causing

the same, or on whose premises the same may be found, to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of the owner of the same, when they fail or refuse upon reasonable notice to remove, and renovate, and repair such houses or structures. 9. To sink, repair, and regulate public wells and cisterns which may be located in the public streets if needful; to provide the city with water, by water works within or beyond the city, or by contract; to establish and regulate fire plugs and public hydrants, to make all needful provisions to supply the city with gas and gas lights, and electric lights, and to control streets lamps, and to provide for the prevention of fires, and the extinguishment of fires, and to organize and establish fire companies, and hook and ladder companies. 10. To open, locate, repair, and regulate, and establish alleys, and streets, and avenues, and to change, alter, abolish and vacate them, or any part or parts thereof; to establish avenues, pavements, sidewalks, and grade and curb and regulate the same, and to make all the salutary by-laws respecting the use of the streets, avenues, and alleys as may be needful. 11. To have free power and authority to cause and procure all streets, avenues, alleys, and sidewalks now established or hereafter to be established in said city, to be graded, leveled, curbed, graveled, slagged, cindered, paved, or macadamized, or to be re-graded, re-levelled, re-curbed, re-slagged, re-cindered, re-paved or re-macadamized, in such manner and by such methods, and with such materials as they deem best and proper. To have all such powers and authority as may be needful to compel the abutting property owners to pay all or such portions of the expense and costs as they may decide of the same, and on failure or refusal of the property owners to pay such amounts, to tax the same against such property, which tax shall have the lien of and be enforced and collected as other city taxes. 12. To establish, keep in repair, regulate and control drains, gutters, sewers, aqueducts and reservoirs, and to compel lot owner to drain the same, and ditch it at the expense of the owner, and to ditch and drain the same when the owner fails or refuses after five days

Powers

## Powers

notice to drain and ditch it, and tax the expense of said ditching and draining against the property ditched and drained, which said tax shall have the lien of and be enforced and collected like other city taxes. The council may extend drains and sewers beyond the city limits when necessary. 13. To establish and regulate or change fire limits within said city; to require all owners of theatres, opera houses and all other houses where the public assemble in mass, to provide said houses with fire escapes and suitable exits. 14. To license, tax and regulate auctioneers, grocers, retail and wholesale liquor dealers, pool tables, billiard tables, merchants, retailers, taverns, hotels, boarding houses, brokers, coffee houses, confectioners, hawkers, peddlers, butchers, lawyers, doctors, livery stable keepers and all other privileges. 15. To license, tax and regulate hackney carriages, carts, omnibuses, wagons, drays and other vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the city, and to the public works and property without the city. 16. To license, tax, regulate or prohibit or suppress theatrical and other exhibitions, shows and amusements. 17. To restrain, prohibit or suppress all gambling houses, or gambling of any kind, disorderly and bawdy houses, and obscene pictures and literature. 18. To regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent or suppress the sale of fire arms, and carrying of concealed weapons. 19. To regulate the storage of gun powder, saltpetre, and all other combustible, explosive or inflammable material, and the use of lights, candles, lamps and steam pipes in stables, shops and other places, and to regulate or suppress the use and sale of fire crackers and toy pistols. 20. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables, and other like articles within certain places, and within certain houses. 21. To establish standard weights and measures to be used in the city, and to appoint a sealer of the same, who shall have exclusive jurisdiction within the city; to provide for the inspection and measuring of lumber and other



building materials; to provide for the inspection and weighing or measuring stone, coal, wood and all fuel, Powers hay, corn and other grain; to regulate the inspection of milk, butter, lard and other provisions. 22. To impose fines, forfeitures and penalties for the breach of any ordinance or by-law, and to provide for their recovery and appropriation. 23. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city by day or by night, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies, and to provide for the punishment by fine or imprisonment for the commission of any offense punishable by the laws of the State of Alabama. 24. To regulate, tax, license or suppress the keeping and going at large of all animals within the city, to impose the same, and in default of redemption, to sell or kill the same. 25. To erect and organize a work house in or near said city. 26. To provide for the enclosing, improving and regulating of all public grounds belonging to the city in or out of the corporate limits. 27. To impose penalties upon persons convicted of cruelties to animals. 28. To appoint, regulate and govern a police force. 29. To grant the right of way through the streets, avenues, alleys, and squares of said city for the purpose of street or other railways, telephone, telegraph and electric light companies, and for laying pipes of gas and water companies. 30. To take and appropriate grounds for widening streets, or extending streets, or parts thereof, or for laying out new streets, avenues, squares, parks, or promenades, when the public convenience requires it, upon just compensation, to be determined according to the laws of the state regulating proceeding of *ad quod damnum* and condemnation. 31. To regulate the speed of trains, cars or locomotives within the city limits, and to punish the violations of such regulations; to regulate the blowing of steam whistles and locomotive whistles within the city limits, and punish the violations of such regulations. 32. To make all ordinances necessary concerning idlers, paupers, and disorderly or vicious persons, and correcting or restraining their vicious habits; to regulate or prohibit privies, and privies and water

## Powers

closets, sinks and wells; to regulate or prohibit slaughter houses or any other offensive business or calling within the city limits. 33. To punish injuries to streets, side walks and trees, and to private or city property. 34. To punish all persons who in any manner obstruct the marshal or policeman in the arrest of any person, and for the punishment of any person who, when called upon to aid in the arrest of any person, shall fail to give such aid, or when summoned to act as patrol, refuse to act, and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damages in a civil suit; *Provided*, that he did no more than was necessary to effect such arrest. 35. To erect, establish and keep in repair bridges and culverts, and to adopt regulations necessary for the same. 36. To plant shade trees on the sidewalks or in the streets and avenues of said city, and to adopt regulations necessary for the same. 37. To lay out, regulate and control city cemetery burial grounds, and to sell burial lots in same. 38. To divide the city into wards, and to regulate and change the same. 39. To exempt from city taxation for a period of not longer than five years any new enterprise, business or industry which may come into said city after the passage of this act.

## Standing committees

SEC. 20. *Be it further enacted*, That the city council shall, by ordinance or resolution, determine the number of standing committees, and the number of members of each committee and their duties. The mayor shall appoint said committees as soon as practicable after his election.

## Sentence to labor

SEC. 21. *Be it further enacted*, That every person committed to the workhouse or to work on the streets, shall be required to work at such labor as his health and strength will permit, within or without said city, not exceeding ten hours a day, and for such work he shall be allowed, exclusive of his board, fifty cents per day until the whole is discharged.

## Power to collect

SEC. 22. *Be it further enacted*, That the mayor and council shall have power to collect all taxes and licenses of said city, and all fines and forfeitures imposed for violation of this charter, any city ordinance, res-

olution or by-law of the same, by execution, levy and sale, and from the operation of such execution, no property of any person shall be exempt; *Provided*, this mode of collection shall not prevent the collection of such in any other manner herein provided.

SEC. 23. *Be it further enacted*, That the mayor or mayor *pro tempore* shall act as judge of the mayor's court, and shall have power to hear, try and determine all cases of violations of all by-laws, resolutions, ordinances or charter of said city, and punish the offenders as prescribed in this charter, or the by-laws and ordinances of the city. He shall possess, within the corporate limits of said city, all the powers and jurisdiction of a justice of the peace in both civil and criminal cases; *Provided*, he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not already come before him as mayor, and he shall be subject to the corresponding duties and liabilities of a justice of the peace. He shall have the power to administer all oaths, acknowledge deeds and celebrate the rites of matrimony. He shall be entitled to the same fees as are allowed by law to justices of the peace for like services. He shall have power to issue all warrants, subpoenas, notices, *scire facias*, executions, or any other writs necessary to carry out the provisions of this charter. From any judgment or decision of such mayor, as such, an appeal may be taken by the defendant to the circuit court of Cullman county, Alabama, upon the defendant entering into bond, with good and sufficient sureties, to appear at the next term of the court to which the appeal is taken, and from term to term thereafter, and from day to day thereof, until discharged by law, to abide by and perform whatever judgment may be adjudged against him, the bond to be payable to the city of Cullman, in such penalty as the mayor may prescribe, and to be approved by him, and such cause shall be placed on the criminal side of the docket of said circuit court, and if the defendant be convicted, the court or jury trying the case may impose fine or imprisonment, one or both, just as the mayor could have done under the ordinance, or by-laws, or charter of the city on the trial before him, and if the

Duties and  
power of  
mayor

Appeals

Jurisdiction  
of mayor

fine be not paid, or imprisonment imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinances of said city upon conviction before the mayor. In case the defendant does not appear at the trial, but makes default, his bond shall be declared forfeited, and judgment shall be rendered thereon against the defendant and his securities as in state cases in the circuit court, except that the judgment shall be in favor of the city of Cullman; *Provided*, that such appeal be taken and perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings against defaulting witnesses and defendants before him in the same manner and under the same rules as provided for default of defendants and witnesses in the county courts of the state. He shall have jurisdiction of all proceedings by motions, *scire facias*, or other writs intended for the collection of any fund or bond payable to the city of Cullman, taken under this act, or under the ordinances of said city passed in pursuance of this act, and from his judgment, rendered in such proceeding, execution may issue thereon and be enforced as from justice courts. He shall have the right, when the good and safety of the city may require it, to demand the aid of the sheriff of Cullman county. He shall have full power and authority to punish any contempt while holding court, or while the council is in session, by fine not exceeding fifty dollars, and by imprisonment not exceeding five days, one or both. He shall have power to suspend the marshal or any policeman until the next regular meeting of the council, and report to the council the fact and cause of such suspension, and shall do and perform such other duties as the council may require. Depositions may be taken in causes before the mayor in the same manner as they are taken in like causes before the justice's court.

Taxes

SEC. 24. *Be it further enacted*, That the mayor and councilmen may levy and collect each year, upon all real estate and personal property, and subjects of state taxation, within said city, a tax not exceeding one-half

of one per cent. of the value of such property, or subjects of taxation, as assessed for state taxation during the year preceding that for which the corporate authorities may assess and levy the tax above provided for, and which shall be a lien in the same manner and to the same extent that state taxes are or may be a lien for state taxes. All property used exclusively for charitable, educational and religious purposes, or either of them, shall be exempt from taxation by said city.

SEC. 25. *Be it further enacted*, That the taxable property of each taxpayer, and the subjects of taxation on which he is taxable, and the amount and value of each item thereof, as valued by the tax assessor of Cullman county for the preceding year, mentioned in section twenty-four hereof, shall be ascertained and fixed by the aforesaid tax assessor's book of each year, made by him according to law, and any supplemental assessment that may be made by him for such year, and any increased value put on the same, or raise made by the commissioner's court, and all corrected according to the laws of Alabama; that the city tax assessor shall make a copy of said county tax assessment books, corrected as aforesaid for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, but when the property or subjects have changed owners since said assessments were made, said copy shall be corrected so as to show the true owners at the beginning of the year for which the tax is provided for in this act, is to be laid and assessed. If the property has since such assessments been destroyed or greatly damaged by fire or other cause, this shall be rated with the estimated amount of damage; *Provided*, that said city tax assessors shall have the power to assess any property or subjects of taxation in said city which have escaped assessment by the county tax assessor, and add them to said book; that said book shall be completed and lodged with the mayor on the fifteenth day of August of each year, or as soon thereafter as practicable.

SEC. 26. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected, and lodged and filed with the mayor as aforesaid, it shall remain for twenty days open to in-

Assessment  
of taxes

Assessment  
book

Assessment  
book

specation, and notice that the same is lodged and filed and open to inspection shall be immediately given by said mayor by publication of a notice to such effect, for two insertions in a weekly newspaper published in said city. Any person charged in said book as the owner of any property subject to taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall, within said twenty days, file with the mayor his affidavit to that effect, and if he knows the owner, shall state who it is, or that he does not know. Any tax payer may file objections as to the correctness of said book as a copy of the aforesaid book of the tax assessor of Cullman county, so far as the same is a copy of the said book, and may file objections to any assessment made by the city tax assessor, and added thereto as aforesaid, stating wherein said copy or assessment does him an injury. The said mayor and councilmen, the first Monday after the expiration of said twenty days, or as soon thereafter as practicable, shall meet and determine all objections, and correct said book accordingly; and their decision on such objection shall be final. Said mayor and councilmen shall continue in session from day to day, or continue the same to a day named, until all the objections are disposed of, and no longer. The said mayor and councilmen shall then lay and levy for the current year, the tax authorized by this act on all property and subjects of taxation so listed and valued in the said book, corrected as aforesaid; and when the amount of the taxes therein have been properly carried out, shall mark said book approved by the mayor and council, and the mayor and clerk shall sign the said endorsement, and the said book shall then be placed in the hands of the city tax collector for collection. That said tax book, so approved and indorsed, shall be a warrant in the hands of the city tax collector, commanding such officer to collect the taxes so levied upon which execution may be issued by the tax collector, and be executed by him.

Hearing ob-  
jections

Levying  
taxes

When taxes  
due

SEC. 27. *Be it further enacted*, That all taxes levied under this act shall become due and payable on the first day of November of each and every year, and



shall become delinquent on the thirty-first day of December thereafter; that so soon as the said book is delivered to the tax collector, he shall give notice, by publication in a newspaper published in said city, once a week for three successive weeks, that he is ready to receive payment of taxes, and it shall be the duty of the tax payers to make payment to him.

SEC. 28. *Be it further enacted*, That after the first day of January in each year, the city tax collector or Tax sales deputy must proceed without delay to levy upon any personal property of the individual or corporation delinquent and to sell the same for the payment of the taxes so due and unpaid, and costs of sale, together with one dollar as the fee of the collector for the levy and sale. Ten days' notice, by written notices posted up at three public places in said city, shall be given of any sale under this section of the time, place, and description of the property to be sold, and all such property shall be sold for cash. No personal property sold for taxes shall be subject to redemption, and no property shall be exempt from levy and sale for the payment of taxes, and the fees lawfully incurred in their assessment and collection. That the taxpayer, whose property is levied on and advertised for sale may, at any time before the sale, pay the taxes, fees and costs, and thereby release the property from sale. Whenever the proceeds of sale of any personal property for taxes shall amount to more than the taxes and other charges, the tax collector shall pay such excesses to the owner, if present, or if said owner can be found; if not, he shall deposit the same with the city treasurer, taking a separate receipt for the overplus in each case, and this excess shall be kept by said treasurer as a special fund, and whenever the former owner shall apply to the tax collector for the said excess of the purchase money the tax collector shall deliver to him such treasurer's receipt which shall be paid by the treasurer to the person entitled to receive the same.

SEC. 29. *Be it further enacted*, That the city tax collector shall have all the rights that the state and Collections county tax collectors have to proceed by garnishment for the collection of any unpaid and delinquent taxes, and shall be entitled to the same fees, and shall pro-

ceed in the same manner as is provided for writs of garnishment to collect the state and county taxes and the same proceedings shall be had thereon.

When tax-  
payer about  
to leave

SEC. 30. *Be it further enacted*, That it shall be the duty of the city tax collector, whenever, upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove from the city, and thereby the collection of such taxes is in danger, to make out and certify to the mayor a bill against such person for the amount of such taxes and fees due thereon, and upon the approval thereof by the mayor in writing endorsed thereon, such bill shall operate as a writ of *fieri facias*, which the collector is authorized to execute by levy and sale in the same manner as provided for in section twenty-eight of this act.

Fees for de-  
mand

SEC. 31. *Be it further enacted*, That after the said taxes become delinquent, it shall be the duty of the city tax collector to make a personal demand upon the tax payer wherever he may be found, if in the city, for the taxes and costs, and shall be entitled to fifty cents therefor.

Duties of tax  
collector

SEC. 32. *Be it further enacted*, That immediately after the first day in February of each year, the city tax collector shall, whenever any taxes on real property in the said city, or of tax-payers who own real property in said city, assessed for municipal purposes, shall be due and unpaid, file with the mayor a list of such property, describing the same as accurately as may be, and with the name of the owner of each separate piece, if known, and the amount of taxes, interest and cost due on each piece separately; or, if the owner be unknown, stating the fact and giving the name of the occupant, if any, or, that the property is unoccupied. It shall be the duty of the mayor of said city to keep a book in which he shall enter the property so reported to him delinquent, stating each piece separately, and docketing a case against each piece of property, as follows: "City of Cullman *vs.* ———" (describing the property), and against such entry shall note the ownership of said property, and the amount of taxes, interest and costs due on said property, or by said person, and shall leave space for the proper judg-

Duty of  
mayor

ment entry in each case. The mayor shall then cause a notice to be posted in some conspicuous place on said property, stating the facts that the taxes are delinquent, and giving the amount of the same, and such statement as to ownership as may be entered on his docket, and that proceedings are pending before the mayor to have the same sold for taxes, and, also, shall cause a similar notice to be served on the owner of said property, if known and resident in the county of Cullman; otherwise, upon the occupant of said property, or, if the same be vacant, or the owner a non-resident or unknown, shall publish such notice in a weekly newspaper published in said city for three consecutive weeks before proceeding further in said matter. The notice prescribed shall be served and posted by the tax collector or the marshal, or some policeman of said city, whose return of service, posting and publication shall have the same force and effect of a sheriff's return on process from the circuit court. If the taxes remain unpaid for thirty days after the posting and service of said notice or publication, the city tax collector may move the mayor for a judgment against said property for the amount of the taxes, interest and cost due on same, and the mayor shall thereupon, if good cause be not shown to the contrary, enter upon his said docket a judgment against said property for the amount of taxes, interests and costs that may be due on said property, and a decree for the sale of the property for non-payment of the same, which judgment and decree shall be sufficient, if in substance as follows: "Due notice having been given, and no cause shown to the contrary, it is decreed that the property described in this cause be sold for the non-payment of ———" (giving the amount of taxes and costs), the amount of taxes assessed against the same with interest and costs, which judgment shall have the same effect as a decree of the chancery court of the district where said real estate is situated. An appeal may be taken to the next term of the chancery court for that district by any person interested in said property from the decree of the mayor in said case, upon giving bond in double the amount of judgment with sufficient sureties, to be approved by the mayor,

Duties of  
mayor

Appeal

## Tax sales

at any time within twenty days after the rendition of such judgment. Such bond shall be conditioned to pay such decree as the chancery court may render in the premises, and all such costs or damages as the mayor and city council may sustain if the judgment is affirmed. Such appeal shall be heard on the record and bill of exception reserved by the defendant, setting out such of the evidence as he may deem necessary to a fair presentation of his defense, and the result be affirmed or reversed and remanded, or decree rendered by the chancellor as may be just and right. Upon obtaining judgment in any case, the city tax collector shall advertise the property so decreed to be sold, for three successive weeks, once a week in some newspaper, published in said city, stating in the said advertisement the description of the property, the amount of the judgment against the same, the ownership thereof as shown by the court's docket, and the time and place where he will offer the same for sale; and on the day advertised, at the place mentioned in said advertisement, being some place in said city, within legal hours of sale, he shall offer said property for sale to the highest bidder for cash, and may continue said sale from day to day, or adjourn the sale of one or more pieces of the property for want of bidders from time to time, not longer than ten days at one time, and may give notice of such adjournment by a foot-note to the original advertisement. The mayor and city council may purchase at any sale any piece of property for which there is no bidder greater than the amount of said judgment, or may withdraw from sale any piece for which there is not a bid exceeding said amount. When any piece of property so offered is bid off by any person, the city tax collector shall give to such purchaser a certificate stating the facts of his purchase and the price, and the amount and nature of the judgment for which the property was sold, which certificate shall be transferable by endorsement, and if said property is not redeemed by the end of two years from the date of sale, the city tax collector shall execute a deed to the holder of the certificate covering the property sold, which deed shall be acknowledged by the said collector before any com-

petent officer, and shall vest in the grantee all the rights, titles and interests which the owner of the property conveyed had in the same. A deed made and recorded as provided in this section shall, when offered as evidence in any court in this state, be *prima facie* evidence that every requisite for a legal sale under this act has been fully complied with. If, for irregularity in proceeding or other causes, a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such sale, or assign, or grantee, then the holder of the certificate of purchase or deed, as the case may be, shall have the lien of the said city of Cullman on the lands named therein for the amount of interest, tax and costs for which said lands have been sold, and shall also be a lien upon said land for interest upon same, and for the taxes paid thereon for any holder of said certificate or deed after the time of said sale, and such lien may be enforced before the mayor in the name of the said city of Cullman upon indemnity being given for costs. The owner or mortgagee of any interest in said property, whether in possession, reversion or remainder, may at any time before the execution of the deed provided for in this act, that is, within two years from the date of said sale for taxes, redeem any real property so sold by paying to the city tax collector the amount for which said property was sold, with ten per cent. damages thereon, and interest on the whole amount at eight per cent. per annum, and said collector shall give to the person redeeming a certificate of such redemption, which, if held by a mortgagee or any other person in interest, shall be a lien on said land for the amount paid to redeem any interest thereon, and any subsequent taxes paid by such redeeming party, and the said collector shall pay over the redemption to the holder of the certificate of purchase, upon the same being presented to him. The city tax collector shall be entitled to a fee of one dollar each for the certificate of purchase and certificate of redemption issued under this section, to be paid by the person receiving the same. The mayor shall be entitled to a fee of fifty cents for each notice issued, and a fee of one dollar for each judgment rendered hereunder, and the officer serving the notice shall be en-

Tax deed

Right to redeem

Fees

Ejectment

titled to a fee of fifty cents for the serving of each notice. The council may provide a reasonable fee for any service performed not herein enumerated. The certificate of purchase under this act shall authorize the purchaser or assignee to maintain ejectment for the possession of the premises sold, against the former owner or occupant of the premises, if the sale was made as required by this act, and in addition to the rights of redemption secured by this act, the owner or mortgagee of any interest in the property, whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in this section above provided for at any time within two years from the time the purchaser enters upon or maintains possession of the property, and if the owner or mortgagee is an infant or person *non compos mentis*, he shall be allowed two years after the removal of such disabilities in which to redeem.

Work on  
streets

SEC. 33. *Be it further enacted*, That said corporate authorities may require all male inhabitants of said city, who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said city for five days in each year under such officer as the council may appoint; *Provided*, that any person so required to work may relieve himself therefrom by paying into the city treasury a sum of not more than one dollar for each day of work required by the city; *and, provided further*, that the inhabitants of said city shall be exempt from road duty outside the limits of said city. On failure to work or pay as herein provided, the person so failing may be fined by the mayor not less than one dollar nor more than ten dollars for each day of default.

Public act

SEC. 34. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all the courts of law or equity without further proof.

Registration  
of voters

SEC. 35. *Be it further enacted*, That the city council, whenever they see proper to do so, may provide for a registration of the voters of said city, different from the manner hereinbefore prescribed, and such registration shall be made under such rules and regulations as the council may prescribe.



SEC. 36. *Be it further enacted*, That the present charter of the town of Cullman, and all amendments thereof, and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, that no prosecution whatever, pending or to be brought under the existing laws, shall in any manner be affected, impaired or altered by the passage of this act, and all existing by-laws, resolutions and ordinances of the town of Cullman, adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and councilmen of the city of Cullman, and all powers granted under this act shall be liberally construed in favor of the power of the city to pass such law. This act shall take effect from the date of its passage.

Laws in conflict repealed

Effect of this act

Approved Dec. 12, 1890.

79]

AN ACT

[s. 76

An act to establish a new Charter for the Town of Roanoke.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Roanoke, in the county of Randolph, in the state of Alabama, shall be and continue a body politic and corporate, by the name of Roanoke, and by this corporate name may sue and be sued, grant, receive, and do all other acts as all natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a town seal, which may be broken or altered at pleasure.

Names, rights, et

SEC. 2. *Be it further enacted*, That the corporate limits of said town of Roanoke shall embrace all of section 35, the south half of section 26, the southeast fourth of section 27, and the east half of section 34, all in township 21, of range 12, in Randolph county, Alabama.

Corporate limits

Town gov-  
ernment

Election

SEC. 3. *Be it further enacted*, That the government of said town shall consist of a mayor and five councilmen, who shall exercise the corporate power of said town, and said mayor and councilmen shall be elected on the first Tuesday in June, 1891, and every two years thereafter on the first Tuesday in June, by ballot of the qualified electors under the general election laws of this state, who have resided within the corporate limits of said town for three months next preceding the said election. The first election held under the provisions of this act shall be held and conducted by the marshal of said town, at the date of said election, who shall appoint three qualified electors who reside within the corporate limits of said town of Roanoke, as managers of said election; said managers shall be duly sworn in all things to conduct said election as prescribed by the general election laws of this state, and according to the provisions of this act. The polls of said election shall be opened between the hours of eight and nine o'clock A. M., and shall be kept open until five o'clock P. M.; the said managers shall count the votes cast, make up a poll list of the persons who voted, and indorse their certificate thereon, showing the persons voted for and for what office voted for, and deliver the same in a sealed box to the mayor of said town holding office at the time of said election, who shall, within forty-eight hours thereafter, open said box in the presence of the council or three of the councilmen holding office, and with said councilmen in writing, declare the result of said election. The persons receiving a plurality of the votes cast shall be the mayor and councilmen for the next ensuing two years, and until their successors are elected and have qualified. All elections for mayor and councilmen thereafter shall be held by three managers, appointed by the mayor and councilmen, who shall qualify, make returns, and the results shall be declared, and mayor and councilmen elected as in the first election. No person shall be a qualified voter or elector at any election held under this act who has not been duly registered in said town of Roanoke, as required by this act. *Provided*, that persons otherwise qualified as electors may be registered at the polls by the marshal

or registrar appointed by the mayor on the day of said election. In all elections where there is a tie between two of the highest candidates voted for, for the same office, it shall be the duty of the marshal, in the presence of the mayor and such other electors as may choose to be present, to decide the tie by lot, and the mayor and councilmen, or three of said councilmen, shall declare the result as above provided. At any election held under this act, any person offering to vote may be challenged by either of the managers or by any qualified elector. The person so challenged may be examined under oath by the managers or any one of them, as to his qualifications. In all such cases the managers are authorized to administer the oath until their successors are elected and have qualified; the present intendant and councilmen shall continue in and exercise the duties of their respective offices, and exercise the corporate powers as vested in this act in the mayor and councilmen of said town as such mayor and councilmen.

Elections

SEC. 4. *Be it further enacted*, That at every election held under this act there shall be one polling place, and it shall be the duty of the present intendant and councilmen to provide for the opening of said polls at the first election under this act, and to give ten days notice, by publication in some newspaper published in said town, or if no newspaper is published in said town, by posting in three public places in said town, written notice of the time and place of holding said election. And the inspectors provided for in this act shall have full power and authority to keep order at the place of holding said election, and to commit to the calaboose of said town for a period of time not exceeding twenty-four hours, any person or persons who shall make, or attempt to make, any disturbance at the place of holding said election so as to interfere with the peaceable and orderly conduct of said election, and the town marshal is hereby commanded to put into execution all orders or processes issued by said inspectors.

One polling place, etc

SEC. 5. *Be it further enacted*, That the present intendant or mayor for the first election and the mayor for all other elections shall appoint some persons to act

Registrar and his duties

Registrar  
and his du-  
ties

as registrar for each election held under this act : that such appointment shall be made at least ten days before the election for which such registrar is appointed, and such registrar shall give notice by publication or by posting three written notices in said town five days before said election that on the day preceding the election, his registrative books will be open at a place to be specified in said notice for the registration of qualified electors, and on the said day preceding said election, said registrar must register all qualified electors who shall apply to him for registration : *Provided*, That said registrar shall require such persons to make oath to be by said registrar administered that they are qualified electors under this act and said registrar is hereby empowered to administer such oath. The said registrar in placing the name of any applicant upon his registration list must also write his age, and color, and immediately after closing such registration, such registrar shall make an alphabetical list of all the voters registered by him and certify said original list and copy over his signature to the clerk of said town, who shall file the original in his office and deliver the certified copy to the inspectors of the election.

Felony

SEC. 6. *Be it further enacted*, That any person who obtains registration when he is not entitled in his own name or in the name of another, or by an assumed name and thereby casts a vote, or who swears falsely when challenged, or who after having voted once at any election held under this act votes a second time, shall in each and every case be guilty of a felony, and shall on conviction be punished by imprisonment in the penitentiary or hard labor for the county for a term of not less than six months nor more than one year.

Contests

SEC. 7. *Be it further enacted*, That any election held under this act may be contested in the same manner as is, or may be provided by the laws of this state for the contest of the election of judge of probate, and said laws for the contest of the election of judge of probate shall govern contests of elections held under this act so far as such laws are applicable.

Oath of  
office

SEC. 8. *Be it further enacted*, That the mayor and councilmen shall take and subscribe an oath to be administered by any person authorized to administer

an oath, to support the constitution and laws of the State of Alabama, and of the town of Roanoke, and to faithfully discharge their official duties, before they enter upon the discharge of their duties. A majority Quorum of the board of councilmen shall be required, to trans- act any corporate business, but any number may assem- ble at the time and place of meeting, adjourn from day to day, and compel the attendance of absent members under such penalties as said board may adopt or pre- scribe. The council may adopt such rules of proce- dure as they see fit for the transaction of business ; may fine its members for absence or disorderly behavior, and may fill all vacancies that may occur by death, or removal, or resignation. The mayor when present, shall Duties of mayor preside at all meetings of said council, and when absent, the councilmen present shall select one of their num- ber to preside, who shall perform the duties and exer- cise the powers of mayor during the mayor's absence. In case of the office of mayor becoming vacant by death, removal, or resignation, the councilmen shall Vacancy elect a mayor from their number to fill the vacancy for the unexpired term. The mayor may call a meet- ing of the council whenever in his judgment the inter- est of the municipality demands it. The council shall have one regular meeting in every month for the trans- action of business.

SEC. 9. *Be it further enacted*, That the mayor, or in his absence, the councilman selected to act in his Mayor's stead as hereinbefore provided shall hear and deter- mine all cases of violations of the by-laws or ordinances, or of the charter of Roanoke, and punish offenders in such manner as may be prescribed by the by-laws and ordinances and the charter may direct, and he shall re- ceive such fees as the board may direct. The mayor shall possess within the corporate limits of said town of Roanoke all the powers and jurisdiction of a justice of the peace, and shall be subjected to all the corres- ponding duties and liabilities of a justice of the peace ; *Provided*, that he shall not be required to take juris- diction, try or determine any cause, civil or criminal, as ex officio justice of the peace, that has not already come before him as mayor of said town. From any judgment or decision of said mayor as such, an appeal Appeals

## Appeals

may be taken a defendant to the next term of the circuit court of Randolph county, upon the defendant entering into bond payable to the town of Roanoke, with two good and sufficient securities for such sum as the mayor may require, not less than twice the amount of the fine, judgments and costs, conditional to prosecute said appeal to effect and to pay and discharge such judgment as the circuit court may render against said defendant; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of the mayor's judgment, on which the appeal is sought. The said appeal when so taken shall stand for trial at the first term of the circuit court of Randolph county, and shall there be tried and determined *de novo*, unless good cause be shown for a continuance. In case the appellant make default, the appellate court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties on the appeal bond for the amount of the fine imposed by the mayor, and the costs of the appeal, and in case defendant appears to prosecute his appeal the trial shall be *de novo*, and if judgment be rendered against the defendant for money, the court must also render judgment against the sureties on the appeal bond for the amount of said judgment, and for the costs which have accrued, both in the mayor's court and the appellate court and in addition thereto, if the judgment be imprisonment, or hard labor, the defendant shall be remanded to the municipal authorities of Roanoke for punishment. When the judgment of the court shall be only imprisonment or hard labor, then the court shall render judgment against the defendant and his sureties, on the appeal bond for costs of the appeal, and for the costs imposed by the mayor, and remand the defendant to the municipal authorities at Roanoke for punishment. The mayor or councilman acting as mayor, shall have power when so authorized by ordinance upon the trial and conviction of offenders, to impose fines, imprisonment or hard labor on the streets. In all cases where a person is accused of the violation of ordinance, he may give bail with good and sufficient sureties for his appearance before the mayor for trial, and if he make default, the mayor may declare his bail forfeited and

Powers of  
mayor



enter judgment after notice to his sureties against the defendant and his sureties for the amount of the bond, or in such sum less than the amount of the bond as in the opinion of the mayor, the circumstances may demand.

SEC. 10. *Be it further enacted*, That in addition to the jurisdiction set out heretofore, the police jurisdiction of the mayor and council shall extend in all directions one mile beyond the corporate limits, and the said mayor and councilmen shall have the same power and authority to ordain and enforce by-laws and ordinances in said police limits for the preservation of peace and good order that they have in the corporate limits. The mayor, or in his absence, the acting mayor, shall have the power and jurisdiction in said police limits that he has in the corporate limits of the town of Roanoke.

Police jurisdiction

SEC. 11. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said town who has not resided therein one year next preceding the election, and no person shall hold the office of mayor or councilman who is not a qualified elector of said town.

Qualifications of mayor and councilmen

SEC. 12. *Be it further enacted*, That in addition to the powers and duties heretofore conferred in this act, the mayor and councilmen of Roanoke shall have the right, when the good or safety of the town may require it, to demand the aid of the sheriff of Randolph county for the protection of said town; and the said mayor may punish any contempt while holding his court or while the council is in session, by fine not exceeding ten dollars, and by imprisonment for not longer than five days. He shall, at least once in every six months, make a written statement to the council of the financial condition of the town, which statement shall be published in a newspaper in said town. He may also compel the attendance of witnesses in his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with subpoena.

Duties

SEC. 13. *Be it further enacted*, That the council may appoint a town marshal, clerk and treasurer of

Appointed officers

Appointed  
officers

said town, and such other officers as may be necessary for the good government of the town, and prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bonds of such officers, suit may be brought and recovery had before any court having jurisdiction, and such suit shall be governed in same manner as other like suits. The town council shall keep a regular record of all proceedings, orders, regulations and ordinances of the council which shall be read to the council and signed by the mayor or acting mayor, and the same shall be of the force and effect of a record, and a copy thereof, duly certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection.

Duties and  
powers of  
marshal

SEC. 14. *Be it further enacted*, That the marshal shall have in the corporate limits of said town, and in the police limits of said town, all the powers of a constable, and shall be entitled to all the fees of such officer: in said town and in said police limits he shall possess all the powers of a peace officer; he shall execute the orders, notices, and process of the mayor or council, and may arrest without warrant for all violations of town ordinances; he shall perform such other duties as may be prescribed by the council.

Powers of  
mayor and  
council

SEC. 15. *Be it further enacted*, That the mayor and council of Roanoke shall have full power and authority; 1st. To make and adopt by-laws in whatever manner and upon whatever subject they deem proper to carry out the powers herein granted for the good government and order of said town, and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of the state, as shall be needful for the government, police interest, welfare and good order of said town; and to affix thereto such penalties for the violation of the same by fine not exceeding one hun-

dred dollars and by imprisonment or hard labor for the town, not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said town, failing to pay or secure the fine and costs imposed, may be imprisoned for such failure or placed at hard labor for the town as the town council may direct, not longer than thirty days; *Provided*, That any person shall have a right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fines and costs within thirty days from the rendition of the judgment imposing the same, and if after such bond and surety is given, such fine and cost be not paid in thirty days, execution must be issued by the mayor against the obligors on the bond for said fine and costs. The council may pass all needful laws to compel any person to work on streets or elsewhere in the town, who refuses to work when under the mayor's sentence for violating any town ordinance; but no female must be punished by subjecting her to work on the streets.

2. To pass all laws and ordinances necessary to prevent the introduction of contagions or infectious diseases into said town, and to preserve the health thereof; to establish and regulate quarantine in said town, and within five miles thereof, and to punish breach of quarantine law.

3. To prevent and remove all nuisances at the expense of the person causing the same, or on whose premises the same may be found; to remove all decayed and dilapidated houses or structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of the owners of the same, when they fail or refuse upon reasonable notice to remove or renovate or repair such houses or structures.

4. To license, tax, regulate or restrain theatrical and other amusements, and to license any business not otherwise taxed which is carried on in said town.

5. To prohibit the sale, retailing, giving away or otherwise disposing of spirituous, vinous, malt or other intoxicating liquors.

6. To restrain or prohibit gambling, gaming houses, houses of ill fame disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies, racing, prize-fighting, cock-fighting, and everything else which may be hurtful to

## Powers

the good order and morals of society, and all misdemeanors; all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such rules as the council may prescribe, when such implements and devices are found in Roanoke to be used for gaming purposes. 7. To establish, regulate and control markets and market houses, and to license the same; and to pass by-laws for the sale of meats, vegetables and other like articles. 8. To appoint and regulate night and day watchmen, police, patrol, and officers thereof. 9. To sink, repair and regulate public wells; to establish and regulate fire-plugs and public hydrants, and to make needful provision to supply the town with water and to light the streets. 10. To open, locate, regulate and establish alleys, and streets, and to change, alter, abolish or vacate the same, or any part or parts thereof; to establish pavements and sidewalks and regulate the same, and to make salutary by-laws respecting the use of the streets. 11. To establish and build drains and sewers, aqueducts and reservoirs and regulate the same; and to compel owners of lots of real property to drain the same, and to drain and ditch the same when the owner fails or refuses, after five days notice, to drain and ditch it, and to tax the expense of said ditching and draining against the property drained and ditched; which said tax shall have the lien of and be enforced and collected as other taxes. The council may extend drains and sewers beyond the town limits as they deem necessary. 12. To establish and regulate or change fire limits, within said town, and to pass all by-laws necessary for the protection of said town against fire, and for this purpose may remove wooden buildings or structures, paying the owner a reasonable price therefor. To require all owners of theatres, opera houses, and all other houses where the public assemble in mass, to provide said houses with fire escapes and suitable exits. 13. To lay out, and control a town cemetery and sell burial lots in the same. 14. To prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals, and to pass all by-laws, which in the judgment of the council, are necessary for the impounding and sale of

said animals on proper notice to the owners thereof.

15. To regulate and control the running of cars on or across the streets or alleys of said town, and to control the speed of such cars and locomotives in said town. 16. To pass all necessary by-laws for the arrest with or without warrant of all offenders against town ordinances or state laws, and to confine such persons until tried, convicted or discharged by law. 17. To pass all laws and ordinances relative to photographers, auctioneers, traveling dealers in live-stock, itinerant vendors of any sort of goods, wares, merchandise or other tradesmen plying their vocation on the streets and to prohibit or regulate the same, and to prohibit or regulate pawn brokers. 18. To make and ordain all necessary laws concerning idlers, tramps, prostitutes, gamblers, disorderly or vicious persons, to correct or restrain their vicious habits, and to compel such persons to give bond and security to be approved by the mayor, for good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to imprisonment or hard labor for the town for a limited time, not exceeding thirty days. 19. To punish all persons who obstruct the marshal or other officers, in the arrest of any person in said town or in the police limits of said town, or in the lawful discharge of any duty in said town; and to punish all persons who, when called upon to aid in arresting any person, fail or refuse to give such aid. 20. To regulate and control the manner of building partition walls and fences; to regulate the keeping and storage of guns, gun-powder, dynamite and other dangerous explosives, kerosene oil, guano, or other commercial fertilizer, within said town; to regulate and control the sweeping of chimneys, the use of lights, stove pipes and flues, in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spread of fire, and to extinguish the same. 21. To exercise the powers of eminent domain and condemn private property for streets, alleys, drains, sewers, to supply the town with pure water, and for all other public municipal purposes, proper, on making just compensation to owners of land condemned; and the general laws of the state applicable

Powers

## Powers

to *ad quod damnum* suits and proceedings shall apply in all such cases. To build drains and sewers, and to supply the town with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary. 22. To have and exercise full police power in said town; to prevent crime and arrest offenders; to protect the rights of persons and property; to preserve the public peace; and for this purpose may command the aid and assistance of the sheriff of Randolph county, whenever the board of councilmen may deem the same necessary. 23. To grant the right-of-way through the streets of said town for street or other railroads, telephones, telegraph, and for laying pipes for water companies. 24. To punish injuries to streets, sidewalks and trees, and to private and town property.

## Taxes

SEC. 16. *Be it further enacted*, That the mayor and councilmen of said town of Roanoke, to provide public revenues, are authorized to levy taxes on real and personal property, capital employed in business in said municipality, auction sales, sales of merchandise, gross amounts of commissions, or sums received during the preceding year by any factor, commission merchant, broker or buyer; on the gross receipts of each trade or occupation conducted within said municipality; and on all salaries, whether from public or private employment, after deducting the expenses of carrying on such trade, occupation or employment. *Provided*, that where capital is invested in goods, wares or merchandise, a tax shall not be levied upon the capital, and at the same time upon the property in which the same is invested; and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and councilmen are authorized to establish regulations to insure correct returns to the proper officer or officers or agents, of all subjects of taxation, and for listing the same by the tax payer for taxation; and if the tax payer fails to list his property for taxation, to provide that the same may be assessed by the officer appointed to assess property within the corporate limits; and to make all needful regulations to equal the valuations of property assessed for taxation, and to provide that the same be assessed at its proper valuation, in accordance with law.



SEC. 17. *Be it further enacted*, That the mayor and councilmen are empowered to make all needful regulations, and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed. The marshal shall be tax collector of said town, and he shall take an oath to faithfully perform his duties as such, and shall give bond in such sum as the council board may require for the faithful discharge of his duties.

Marshal to  
be tax col-  
lector

SEC. 18. *Be it further enacted*, That when the book of assessments shall be completed and returned to the mayor and councilmen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant, annexed to the tax list or book of assessments, to the collector of the corporation tax, which list shall contain the names of the tax payers, a description of the property, real and personal, assessed, and the taxes assessed thereon to each tax payer, and such tax list, with the warrant annexed, shall have the force and effect of an execution, and shall be a preferred lien on all of the property within the corporate limits, of every person assessed with the same, over all incumbrances, except the state and county taxes, from the date of the assessment.

Tax book

SEC. 19. *Be it further enacted*, That all taxes assessed and levied within the corporate limits of the town of Roanoke shall have the force and effect of judgments at law; and in addition to the remedy hereinafter given, the corporation of Roanoke may bring suit in any court of law or equity against the person or persons assessed jointly or severally, and recover such sums as may be found to be due for taxes and charges.

Lien for  
taxes

SEC. 20. *Be it further enacted*, That after giving notice by advertisement, by posting, or in a newspaper published in Roanoke, for twenty (20) days, that the corporation taxes are required to be paid to him on or before a certain day, it shall be the duty of the tax collector to enforce the collection of the same by a levy upon and sale of the personal property of the delinquent tax payer, at public auction, first giving five days notice, by posting of the time and place of sale. If, after the taxes have been assessed, the tax collector

Sale of per-  
sonal prop-  
erty

shall become satisfied that the taxes due from any person are in danger of being lost by delay, he is authorized and required, without delay, to seize, levy upon and sell, any personal property liable for the payment of taxes.

SEC. 21. *Be it further enacted*, That the failure of the collector to seize and sell personal property for the payment of taxes in default shall not be a defence or ground of objections to the sale of real estate for taxes in default or arrears. The mayor and councilmen are hereby authorized to adopt the procedure for the sale of real estate for the collection of taxes as set forth in Article III, chapter 5, title 7, part 1, Code of 1886 of the State of Alabama, by ordinance, and jurisdiction to that end is hereby conferred upon the probate judge of Randolph county, State of Alabama, to hear and determine and enter decrees of sale for the amount of taxes due, with the costs and charges thereupon. The purchaser of land at such sale shall receive a deed therefor executed by the tax collector of the town of Roanoke, conveying the estate the taxpayer had at the date of assessment of the land for taxation. By virtue of the deed so executed the purchaser may sue for at law, and recover possession of the real estate thereby conveyed, with the rents thereof from the date of execution of the deed. In all suits brought under this act for the possession of real estate, the decree of the probate judge ordering the land to be sold and the deed therefor executed by the said tax collector shall be *prima facie* evidence of the right of the purchaser or those claiming under him to recover the real estate sold.

SEC. 22. *Be it further enacted*, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of the deed made by the tax collector, by the owner, or any person interested in the same, paying, or tendering to the purchaser or his vendee, the amount of the purchase money with interest at the rate of 15 per cent. per annum, and all taxes, state, county and municipal paid by the purchaser. When the vendee does not reside in Roanoke, the owner or any one interested therein, may redeem the same by making payment as

aforesaid into the treasury of Roanoke for the person entitled thereto, who shall be promptly notified thereof. When the purchaser is in possession of said land, and the said land is not delivered to the taxpayer on his compliance with the foregoing provisions, he may recover possession of the same by an action of *unlawful detainer* before a justice of the peace, or an action of ejectment.

SEC. 23. *Be it further enacted*, That from every person, firm or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Roanoke, the mayor and council are authorized to collect a license tax, the amount thereof to be, as far as may be, regulated by the volume of the business or trade, and the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance. License tax

SEC. 24. *Be it further enacted*, That the tax rate on real and personal property shall not exceed one-half of one per cent. in the municipality of Roanoke. Rate of tax

SEC. 25. *Be it further enacted*, That the present incorporation of the town of Roanoke is hereby repealed; *Provided*, that the present municipal government of Roanoke is continued in force until the officers elected under this act have qualified as required. *And provided further*, that all laws and ordinances now in force shall continue until repealed or modified by the mayor and council of the town of Roanoke, and that no prosecution, suit or claim now pending, shall be affected in any manner whatever by the adoption of this act. Incorporation repealed

SEC. 26. *Be it further enacted*, That all the provisions of this act shall be liberally construed to enable the mayor and council to carry into effect all the powers conferred hereby. Act to be liberally construed

SEC. 27. *Be it further enacted*, That for any service rendered by the probate judge and sheriff of Randolph county, they shall receive fees and compensation as paid by the State of Alabama and Randolph county for similar service, to be paid by the town of Roanoke. Fees

SEC. 28. *Be it further enacted*, That the board consisting of the mayor and councilmen, is authorized to require whatever additional qualification, including Authority of mayor and councilmen

bonds for mayor and councilmen as it sees fit, and two-thirds of said board may remove the mayor or any other officer of the town, for mal-conduct or disorderly behavior, or for malfeasance or non-feasance in office.

This is a public act

SEC. 29. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all the courts of law and equity, and all ordinances, resolutions and proceedings of the town of Roanoke may be proved by the seal of said town, attested by the town clerk, and when printed, purported to be published by authority of said town, the same shall be received in evidence in all courts and judicial proceedings without further proof.

Approved December 11, 1890.

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AN ACT

[s. 51

To provide for the purchase of lands and to provide additional accommodation for the patients of the Alabama Insane Hospital.

Authority to purchase lands

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the trustees of the Alabama Insane Hospital are authorized to purchase additional lands for said hospital to be used for farm purposes, and for such other purposes as are needed to more successfully carry on the operations of said hospital.

Buildings

SEC. 2. *Be it further enacted*, That said trustees are authorized to erect on said lands so purchased, suitable buildings for the proper accommodation and keeping of such of the patients of said hospital as in the opinion of the superintendent and trustees, will be benefited by out-door work and who may be safely kept there.

Part of hospital

SEC. 3. *Be it further enacted*, That said lands so purchased, with all buildings and improvements that may be placed on the same shall constitute a part and portion of the present Alabama Insane Hospital, and shall be under the control of the trustees and superintendent of the Alabama Insane Hospital, without additional compensation, and under the same rules and regulations as govern the rest of that institution.

SEC. 4. *Be it further enacted*, That upon application of the president of the board of trustees of said hospital, stating that said lands have been purchased, and that the title thereto has been examined and found good and sufficient, the governor shall issue an order to the auditor requiring him to draw his warrant on the state treasurer, in favor of the treasurer of said hospital for the sum of twelve thousand and five hundred dollars, (\$12,500) the same to be expended by the board of trustees and superintendent of said hospital, in the purchase of said lands and in the erection of suitable buildings and improvements thereon; *Provided*, it shall be made to appear to the governor that the treasurer of the said hospital has given bond with sufficient security to said trustees for the safe keeping and disbursement of said sum.

Appropriation

Approved December 10, 1890.

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81]

AN ACT

[s. 96

To prescribe the duties and provide for the compensation of the County Solicitor of Talladega county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the county solicitor of Talladega county, to attend all preliminary trials before the magistrates of said county, of persons charged with felony, and represent the state; to assist the circuit solicitor in prosecutions before the circuit court, when called on by him to do so, and to represent the circuit solicitor in the circuit court in his absence, and to prosecute all misdemeanors in the county court of said county.

Duty of county solicitor

SEC. 2. *Be it further enacted*, That the said county solicitor shall be entitled to, and shall receive all the fees in the cases convicted in the county court of said county, which fees shall be paid to him by the judge or clerk of said court, when collected.

Fees

Approved December 11, 1890.

To permit the sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, spirituous, vinous and malt liquors and intoxicating bitters, beverages, and fruits preserved in alcoholic liquors within the corporate limits of the town of Clio, an incorporated town, having police regulations, in Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall hereafter be lawful for any person, firm or corporation to sell, give away, barter, exchange, or otherwise dispose of alcoholic spirituous, vinous and malt liquors, intoxicating bitters and beverages, fruits preserved in alcoholic liquors, within the corporate limits of the town of Clio, an incorporated town having police regulations in Barbour county; *Provided,* the general laws governing or regulating the sale, giving away or exchanging spirituous, vinous or malt liquors in incorporated towns or cities, must be complied with, notwithstanding the foregoing enactment or permit.

SEC. 2. *Be it further enacted,* That this act shall take effect from its approval by the governor.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 10, 1890.

To ratify and confirm the re-organization of the Peoples Saving Bank as the Peoples Bank and to declare the powers and term of life of the Peoples Bank.

*Whereas,* Heretofore to-wit on or about May 29, 1871, a banking corporation was organized in Mobile under and in pursuance of the general incorporation laws of the state under the name of the Peoples Savings Bank, and continued in business under that



name until May 31, 1890, on which day said corporation was re-organized under the provisions of chapter one, title one of part two of the code of Alabama (1886) a certificate of incorporation issued to it by the secretary of state, May 31, 1890, as "Peoples Bank" and said new corporation has increased its capital stock from \$140,000 to \$150,000, changed the par value of its shares from \$25 to \$100 per share, and carried on a general banking business, and it is deemed expedient to have such re-organization and subsequent acts expressly ratified and its powers and term of life declared by the general assembly; now therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the re-organization of the Peoples Savings Bank so carried out and the certificate issued to the Peoples Bank by the secretary of state May 31, 1890, be and they are hereby in all things ratified and confirmed, and said Peoples Bank has all the powers and rights of said Peoples Savings Bank and all accruing to new banking corporations organized under code (1886), section 1524, and the increase of the capital stock of said Peoples Bank from \$140,000 to \$150,000, the change of the par value of the shares from twenty-five to one hundred dollars per share and all other acts of said corporation heretofore done, since, and in pursuance of such re-organization are hereby ratified, and the right of the stockholders of said corporation to vote and act by proxy is recognized and confirmed.

Charter of  
Peoples  
Bank con-  
firmed

SEC. 2. *Be it further enacted*, That the powers and rights of said Peoples Bank above declared are continued and extended in full force for twenty years, and the term of life of said corporation is hereby declared to be twenty years from the passage of this act.

Powers and  
rights ex-  
tended

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Laws in con-  
flict repealed

Approved December 10, 1890.

To prevent stock from running at large in Beats two, three and seventeen, in Coosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful in beats two, three and seventeen, in Coosa county, for any stock to go at large on the land or crop of another, and for each willful violation of this section by any person or owner of such stock, shall be guilty of a misdemeanor; and upon conviction of such offence shall be fined not less than five nor more than fifty dollars; and the term stock, where it occurs in this act, shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Unlawful for stock to go at large

Penalty

SEC. 2. *Be it further enacted*, That for any damage done by stock running at large in beats two, three and seventeen in Coosa county, the owner shall be liable to the injured party in twice the amount of the damages done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damages; and the court entering the judgment shall enter therein an order that the officer executing the writ of execution in said judgment shall seize and sell the said stock for the satisfaction of the judgment.

Liability for damage done

SEC. 3. *Be it further enacted*, That the prosecution and civil actions provided for in this act may be tried before any justice or notary public, with justice jurisdiction in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trials shall be in the nearest beat in said county where no objection exists; for such trials and prosecutions, said justice court shall always be open, but three days notice shall be given to the opposite party.

Trials

SEC. 4. *Be it further enacted*, That citizens living in beats two, three and seventeen in Coosa county, shall have the right to erect gates across public and private roads, at or near the line of said beats, when necessary

Gates

to prevent trespass by stock from other beats not included in this act, and that said gates, when so erected, shall be subject to such regulations and penal laws as are now in force in this state in regard to governing gates across public and private roads.

SEC. 5. *Be it further enacted*, That all laws and parts of laws that may prohibit the enforcement of this act be and the same are hereby repealed, so far as the same relates to beats two, three and seventeen, in Coosa county. Laws in conflict repealed

Approved December 10, 1890.

85]

AN ACT

[H. 7

To prevent the sale, furnishing, giving or providing to any minor under eighteen years of age of cigarettes, tobacco, or cigarette paper, or any substitute therefor.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall not be lawful for any person, persons, firm or corporation, by himself or themselves, to sell, furnish, give or provide, any minor under eighteen years of age, to or with cigarettes, or cigarette tobacco, or cigarette paper, or any substitute for cigarettes, or cigarette tobacco, or cigarette paper. Not lawful to sell cigarettes, etc

SEC. 2. *Be it further enacted*, That any person violating the provisions of the preceding section of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars for each offense, or be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding thirty (30) days. Penalty

SEC. 3. *Be it further enacted*, That all justices of the peace and notaries public with powers of justice of the peace, shall have jurisdiction of all violations of the provisions of this act, such jurisdiction to be concurrent with that of the circuit, city, criminal and county court. Courts having jurisdiction

Approved December 11, 1890.

To amend Section two (2) of an act to amend Section 1319 of the Code, so far as the same relates to the town of Louisville, in Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act to amend section 1319 of the code, so far as the same relates to the town of Louisville, in Barbour county, approved February 15th, 1889, be amended so as to read as follows: Section 2. *Be it further enacted*, That the freeholders signing the said recommendation shall be male persons, and that upon presentation of said application and recommendation, the judge of probate, before taking any action thereon, shall publish in a newspaper for thirty days, in the county, the names of such applicants, and the names of those who have signed the recommendation, and shall give notice in said publication of the time and place, when he will hear and determine concerning said application.

Approved Dec. 11, 1890.

To authorize the increase of the capital stock and bonded indebtedness of private corporations organized under special charter.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the capital stock and bonded indebtedness of any private corporation organized in this state under a special charter, may be increased in the manner prescribed by this act.

SEC. 2. *Be it further enacted*, That before any increase be authorized of the capital stock or bonded indebtedness of any of the corporations mentioned in section one, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained in favor thereof, at a meeting of the stockholders of such corporation convened for the purpose

of voting upon the proposition to increase said capital stock or bonded indebtedness.

SEC. 3. *Be it further enacted*, That no meeting of stockholders for the purpose mentioned in section two, shall be held until after thirty days notice thereof shall have been given by publication in a newspaper of general circulation, published in the county where said corporation had its principal office, and if no such newspaper be published in said county, then in a newspaper having general circulation published in the county nearest the principal office of such corporation, a copy of which shall be mailed to each stockholder and such notice shall explicitly state what increase it is proposed to make to the capital stock or bonded indebtedness of said corporation.

SEC. 4. *Be it further enacted*, That if at such meeting called in pursuance of this act, the consent of the persons holding the larger amount in value of the stock of such corporation shall be obtained to a specified increase of either the capital stock or bonded indebtedness of such corporation, a report thereof specifying the amount of increase consented to shall be made to the secretary of state, who shall make and keep a record thereof, and it shall be lawful for such corporation to increase its capital stock or bonded indebtedness in conformity with such consent of the stockholders obtained as aforesaid; *Provided*, that such increase may be less, but shall not be more than that stated in the published notice for such meeting; *and provided further*, that neither stock nor bonds shall be issued by any private corporation except for money, labor done, or money or property actually received, and all fictitious increase of stock or indebtedness shall be void. But no increase shall be made to a sum exceeding ten million dollars.

Approved December 10, 1890.

88.]

AN ACT

[H. 67]

To amend an act entitled an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21st, 1887.

Jury in capital cases SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever the judge of the circuit court of Montgomery county or the judge of the city court of Montgomery shall deem it proper to set two or more capital cases for trial on the same day or for the same week of the term, said judge may draw and have summoned one jury or one venire for the trial of all such cases so set down for the same day or week.

Juror in trial of another cause SEC. 2. *Be it further enacted*, That when upon the trial of any cause in either of said courts, a juror who has been drawn and summoned and is in attendance upon the court and whose name is drawn for the trial of such cause, shall be found to be upon a jury which is considering a verdict in another cause, it shall be no objection to proceeding with the trial of the cause in which his name is drawn as a juror, nor for the continuance of said cause, nor shall either party have the right to call such juror from the jury that he may have an opportunity to pass on such juror, but the name of such juror shall be laid aside and the drawing of the jury proceed as in the absence of a juror who is summoned and fails to appear.

Approved December 11, 1890.

89]

AN ACT

[H. 505]

To establish a new charter for the town of Dothan, in Henry county.

Name, rights powers, etc SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Dothan in the county of Henry, shall be and continue a body politic and corporate by the name of, The Town of Dothan, and by this corporate name may sue and be



sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real, personal and mixed property and dispose of the same for the benefit of said town, and may have and use a city seal which may be broken or altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate limits of the town of Dothan shall embrace an area of four square miles, as follows: Commencing at a point one mile due west of the centre of the intersection of Main and Foster streets in said town, and running thence due north a distance of one mile, thence due east a distance of two miles, thence due south a distance of two miles, thence due west a distance of two miles, and thence due north a distance of one mile, to the starting point.

Corporate  
limits

SEC. 3. *Be it further enacted*, 1st. That there shall be elected yearly by the qualified electors of said town, the following officers, namely: A mayor and five aldermen, in the manner herein provided. All qualified electors of the state who have resided within the corporate limits of said town three months next preceding the election, are hereby declared qualified electors of the town of Dothan. The candidate for mayor and the five candidates for councilmen receiving the highest number of votes shall be declared duly elected. 2. The next election of mayor and aldermen of said town shall be held on the first Monday in December, 1891, and each succeeding election shall be held on the first Monday in December of each year thereafter. The term of office of the mayor and aldermen shall be one year from the expiration of the term of the present mayor and board of councilmen, and until their successors shall be elected and qualified. The officers thus elected shall take the oath and enter upon the discharge of their duties on the Monday following their election. 3. No person shall be eligible to the office of mayor or alderman at any election unless he has been a resident-citizen of said town for a period of one year preceding the election at which he is a candidate, nor shall the mayor or any alderman be directly or indirectly interested in any contract whatever to which the town is a

Election of  
mayor and  
aldermen

party, unless such contract is let to the lowest and best bidder, and awarded to him as such. 4. The board of aldermen shall, by ordinance, prescribe the manner in which said town elections shall be held, the mode of making and declaring the returns therefor, and the registration of voters for said elections; but should it occur that two or more candidates for the same office receive the same number of votes, it shall be the duty of the old board to elect one of said candidates to said office. 5. All officers of the town, before entering upon the discharge of their duties shall take and subscribe before a person qualified to administer oaths, the oath

Oath of office of office as follows: I, ..... , do solemnly swear (or affirm) that I will support the constitution of the United States and of the State of Alabama, and the charter and ordinances of the town of Dothan, and that I will faithfully discharge the duties of the office of ....., according to the best of my ability," which oath or affirmation shall be filed

Bonds of officers town, except the councilmen, shall, before assuming the duties of their office, enter into a bond in a sum to be determined by the mayor and aldermen, with sufficient surety to be approved by the mayor, except in the case of the mayor's bond, which shall be approved by the board of councilmen; all of said bonds to be conditioned upon the faithful performance of the duties of the office; *Provided, however*, that the Mayor's bond shall be fixed at the sum of one thousand dollars, and the treasurer's bond shall be fixed at an amount not less than the estimated amount of taxes, licenses and special assessments for the current year. 6. The

Duties of mayor he shall deem it necessary for the public health, or whenever instructed by the board, in order to prevent the introduction or spreading of infectious or contagious diseases in the town, prohibiting all persons and goods from infected localities from entering said town, and under ordinances to be adopted for that purpose, to have power to offer rewards for the detection and punishment of all violations of such proclamations. 7. He shall make proclamation whenever it shall be deemed necessary for the public peace and order of the town,

prohibiting riotous and disorderly assemblies, or closing saloons and public places of amusement. 8. He shall have power when necessary, to call on all male inhabitants of the town over the age of eighteen years, to aid in enforcing the laws. 9. If the mayor and aldermen, or any other town officer at any time during his term of office, shall remove from the limits of the town, his office shall become thereby vacant.

SEC. 4. *Be it further enacted:* 1st. That the board shall consist of a mayor and five aldermen. 2. That the board shall be the judge of the election returns and qualifications of its own members and a majority of such board shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. 3. The mayor shall be *ex-officio* president of the board, but shall have no vote except in the election of officers, and the board may elect one of their own number as mayor *pro tem* to serve at all times during the absence or disability of the mayor. 4. The board shall keep a record of its proceedings and may sit with open doors. 5. The board shall determine its own rules of proceedings, punish its members for mal-conduct and with the concurrence of two-thirds of the board, may expel a member: *Provided*, That any alderman who shall have been convicted of bribery, perjury or other infamous crime, shall thereby be deemed to have vacated his office. 6. The board shall prescribe by ordinance the time and place of the meetings thereof and the manner in which special meetings thereof may be called. 7. All ordinances, by-laws or resolutions passed by the board shall take effect and be in full force after publication in a newspaper if any is published in said town, if not by posting in three public places in said town for thirty days: Except provisions relating to quarantine, the prevention or abatement of nuisances, the closing of saloons and places of public amusement, and others of like character which shall take effect upon being posted in the council chamber. 8. In case of death, resignation, removal

Mayor and  
five alder-  
men

Quorum

Mayor  
pro-tem

Proceedings

Meetings

Ordinances

## Vacancies

or inability of the mayor, clerk, treasurer, any public officer or alderman, the board shall fill such vacancy.

## Officers

9. The board shall elect all officers to the offices established by this act or by ordinance, except those otherwise provided for, and may elect a clerk of the board, treasurer, a marshal, deputy, a health officer (who shall be a regularly licensed and practicing physician having a diploma from some reputable medical college) town attorney, and superintendent of streets and other officers as the board may by ordinance establish, and provide by ordinance for the payment of the same.

## Powers

SEC. 5. *Be it further enacted*, That the board of aldermen shall have the following powers: 1. To control the finances and property of the corporation. 2. To appropriate money for purposes provided in this act and by proper ordinance, and to provide for the payment of the legitimate debts and expenses of the corporation. 3. To levy and collect taxes for general and special purposes on real and personal property situated within the limits of the town. 4. To license all business and trades not prohibited by the constitution and laws of the State of Alabama; to fix the amount, terms and manner of issuing or revoking such licenses; to provide a penalty for doing business without such license when it is required. 5. To license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers, money brokers second-hand and junk stores. 6. To license, regulate and restrain street cars, hackmen, draymen, omnibus drivers, carters, cabmen, porters, runners for stages, cars and public houses, expressmen, and others pursuing like occupations and to prescribe their compensation. 7. To license, regulate, and restrain pin alleys, ball alleys, bagatelles, pigeon holes, pool and billiard tables, or any other tables used for a similar purpose. 8. To license, regulate and restrain the selling or giving away of any spirituous, vinous or malt liquors, within the corporate limits of the town, the license not to extend for a longer period than the fiscal year in which it shall be granted, and the board of councilmen may fix the license for selling said spirituous, vinous or malt liquors in a sum in their discretion, not to exceed one thousand dollars per an-

num; *Provided*, That permits may be granted to druggists for the sale of liquors for medicinal, chemical, mechanical and sacramental purposes, subject to the forfeiture, under such regulations as may by ordinance be established. 9. To revoke all licenses under such restrictions and regulations as may be provided by ordinances. 10. To close houses and places for the sale of intoxicating liquors when the public safety and peace may require. 11. To forbid and punish the selling or giving of any spirituous, vinous or malt liquors to any minor, habitual drunkard, or person of feeble mind. 12. To prohibit and suppress houses of prostitution and disorderly houses, also to suppress gaming, gambling and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaming or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prohibit and suppress all public masquerades, exhibitions and amusements which violate public morals and decency. 13. To assess, levy and collect annually a tax for general and special purposes on real and personal property at a rate not exceeding one-half of one per cent on the cash value thereof. 14. To license, regulate and restrain peddling, and the vending of patent medicines within the corporate limits of said town. 15. To establish, open, alter, vacate, abolish, widen, extend, grade, cut down, fill in, and pave or otherwise improve all streets, avenues, sidewalks, alleys, public grounds and squares, and to provide for the payment thereof, in a manner not inconsistent with the provisions of this act. 16. To plant trees upon the same, to regulate the use of the same, to prevent and remove obstructions and encroachments upon and to provide for the cleaning of the same. 17. To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, culverts and drains, and erecting gas and electric lights, telegraph and telephone poles and wires, subject, however, to the reservations, if any, in the dedication of any street, alley, avenue or public ground. 18. To regulate the use of sidewalks and all structures thereunder, and to require

## Powers

the owner or occupant of any premises to keep the sidewalk in front or along the same free from obstruction. 19. To compel the owner or tenant of any premises to keep the sidewalks in front of or along such premises clean and in repair, and to prescribe the kind of pavement, if any, to be laid, and compel the laying of the same along such sidewalk. 20. To regulate and prevent the throwing or depositing of ashes, dirt, garbage or any offensive matter in, and to prevent injury to any street, avenue, alley, or public grounds. 21. To provide for and regulate cross-walks, curbs and gutters. 22. To prevent and regulate the use of sidewalks, streets and public grounds for signs, sign posts, awnings, awning posts, horse troughs, racks, posting hand bills, and advertisements. 23. To regulate traffic and sales upon the streets, sidewalks, alleys, avenues and public places. 24. To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation. 25. To regulate the numbering of houses, and to name and change the name of any street, avenue, alley or other public place. 26. To require railroad companies, by proper ordinance, to exercise the necessary precautions to prevent injuries to persons or property; to prevent the accumulation of filth on any of the grounds or in any of their works, and to prevent the blocking up of streets or avenues, or the impeding of travel thereon by any railroad company. 27. To construct and keep in repair bridges and viaducts, and to regulate the use thereof. 28. To construct and keep in repair, culverts, drains, sewers and cesspools, and to regulate the use thereof. 29. To provide for draining of, filling up of ponds, or mudholes on private property whenever necessary to prevent or abate nuisances, and to cause the same to be done at the cost of the owner of the premises, or at the expense of the town, as the council may deem best. 30. To prevent infectious or contagious diseases from being introduced into said town; to ordain all regulations necessary for an effective quarantine and to enforce the same within one mile of the corporate limits of said town. 31. To maintain cleanliness and health; to provide for the cleaning of places likely to become detrimental thereto, and by or



dinance to protect health, prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and private premises of said town Powers  
32. To suppress all nuisances at the expense of the person causing the same, or upon whose premises it may be found, on private or public property, and may enter upon private property for that purpose. 33. To establish a system of drainage, and to regulate the manner in which the drainage from private premises may be disposed of. 34. To prevent the sale of adulterated or decayed food or adulterated drinks. 35. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs. 36. To direct the location and regulate the use and construction of breweries, distilleries, tanneries and fertilizer works. 37. To prevent any offensive or unwholesome business or establishment within the corporate limits of the town. 38. To compel the owner of any grocery, cellar, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, and to regulate the location thereof. 39. To establish and regulate the location of cemeteries and acquire lands therefor. 40. To provide for the erection and care of all public buildings necessary for the use of the town. 41. To provide for the taking of the census of the town, which may be taken once every two years, but not oftener. 42. To exercise the right of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama. 43. To regulate places of amusement and public entertainments. 44. To determine the limits within which wooden buildings shall not be erected, and to prevent the reconstruction in wood of old buildings and parts thereof which are dangerous and insecure. 45. To establish and maintain water works, or contract for the furnishing of water for fully supplying the town and its inhabitants with wholesome water, and to regulate the manner and rates of furnishing water to private consumers. 46. To establish and maintain a gas or electric works, or contract for the furnishing of gas for light or fuel, or electricity for light or power, for fully supplying the town and its inhabitants, and to regulate the manner and

## Powers

rates of furnishing gas and electric lights to private consumers. 47. To organize, establish and maintain free public schools. 48. To establish and maintain a fire department and to regulate the same. 49. To erect engine-houses, and provide fire-engines, hose-carts, hooks and ladders, and other implements for the prevention and extinguishment of fires. 50. To require all necessary precautions on the part of the citizens and residents of the town to prevent fires. 51. To pass ordinances for securing the safety of persons from fire in halls, hotels and buildings let or used for public assemblies and for entertainments and amusements. 52. To regulate the police of the town, and to restrain and prohibit disorderly conduct and breaches of the peace. 53. To regulate, restrain or prevent the use of fire-works, fire-crackers, torpedoes, roman candles, sky-rockets and other fire-works or pyrotechnic display. 54. To prescribe the duties and powers of the marshal, deputy, policemen or watchmen, and provide for payment of said officers. 55. To prohibit and prevent cruelty to animals; to restrain and punish vagrants, mendicants and prostitutes; to prohibit and restrain gaming and the keeping of gaming houses; to impound and forfeit domestic animals found on the streets contrary to the ordinances of the board; to prevent and abate nuisances, and to punish persons creating the same, and to abate and remove the same at the expense of the person causing or creating the same; to prevent any obstruction of the sidewalks, streets and alleys, to punish the same by fine and to remove the same at the expense of the person causing the same; the regulation of partition and other fences and walls; to increase the police force at any time when considered necessary; to pass and enforce all ordinances needful and beneficial to the well-being of the inhabitants of Dothan not in conflict with the constitution and laws of the State of Alabama and the provisions of this act. 56. To grant the proper and necessary franchise relating to the use of streets to parties for the construction and operation of street railways; and to grant the use of any right to lay down railroad tracks in the streets of said town upon such terms and conditions as they may prescribe, subject, however, to the reservations in the dedications

of such streets. 57. To pass ordinances for the punishment of all persons who in any manner obstruct or interfere with any police officer in the lawful performance of any of his duties as such police officer and for the punishment of persons who, when called upon by any of the town officers to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required. 58. Any person against whom upon trial for the violation of a town ordinance, a fine or penalty has been imposed, may, upon the order of the magistrate, be committed to the town prison until such fine and costs are paid. The board of aldermen shall have power to provide by ordinance that every person so committed shall be required to work out such fine upon the streets or otherwise not exceeding ten hours per day, allowing for such work in the payment of such fine not exceeding one dollar per day exclusive of board; *Provided*, that no female shall be required to work upon the streets of said town. 59. The board shall have authority to require all male inhabitants of said corporation who would otherwise be subject to road duty on the public roads under the general law of this state, to work upon the streets of said town not exceeding ten days in each year, under such direction as the board may prescribe; *Provided*, that any person so required to work may relieve himself from working by paying into the town treasury the sum of three dollars; *Provided further*, that the male inhabitants of said town shall be exempt from working on the roads and highways outside of said town limits. The money so paid into the treasury shall constitute a street fund and shall be applied exclusively to work and improvements upon the streets of said town.

Collection of  
finesWorking on  
streets

SEC. 6. *Be it further enacted*, 1st. That the mayor and aldermen may levy and collect each year, upon all real and personal property, and all subjects of state taxation, within said town, not exceeding one-half of one per centum on the value of such property and subjects of taxation. All property or subjects of taxation within the corporate limits of the town at the time the levy is made shall be liable to taxation as herein provided. The board of aldermen shall inspect the return of the assessor, and in cases where property

Taxes

## Taxes

is not given in at its true value, shall raise the valuation thereof, after first giving the owner of said property ten days notice to appear before them and show cause why the same shall not be done. 2. The taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for the payment of said taxes, the town of Dothan shall have a preferred lien over all encumbrances and securities whatever, and all taxes assessed against the property of any person or persons under this act or for which such person shall become liable for the current year shall be a lien upon the real and personal estate of such persons within said town of Dothan; from the first day of January of that year, or if brought into town after that time, the lien shall attach from the time it is brought in. 3. After the taxes shall be fixed and levied, the person empowered to collect the taxes shall give thirty days notice in some newspaper published in Dothan, or by posting notices in conspicuous places, that he is ready to receive payment of the taxes so levied. 4. After thirty days have elapsed from the first publication of such notice, the said collector of taxes, or his deputy, shall make personal demand upon delinquent taxpayers wherever they may be found. 5. After the expiration of ninety days from the first publication of the tax collector's notice as aforesaid, the tax collector may levy upon, seize and sell any personal property, if there be any, and if none or not sufficient personal property, then upon the realty of said delinquent taxpayer, and no personal property so sold shall be the subject of redemption. But when real estate is levied upon, ten days notice of the sale shall be given by publication in a newspaper published in the town of Dothan or by posting in public places in said town. The land may be described by such numbers and abbreviations as will clearly indicate the land to be sold. Sale shall be at the council chamber or some other public place in said town. 6. At such sales the tax collector must bid off such property or so much thereof as may be necessary to pay the taxes and cost of advertising the sale, and make a certificate of purchase to the person bidding in the same. The town of Dothan may be a purchaser in the

absence of a bidder for such property, and said certificate of purchase shall vest in said town of Dothan the same rights as in other purchasers. 7. Any real property sold under the provisions of this act may be redeemed at any time within two years after the sale by payment to the town of Dothan the amount of the purchase money, all subsequent costs and taxes that may have been paid by the purchaser, and interest thereon at the rate of fifteen per cent. per annum, and upon said payment shall receive from the tax collector a certificate of redemption therefor. It shall be the duty of the tax collector or the person or officer empowered by the board to collect the taxes to keep a record of all certificates of purchase and redemption.

After the expiration of two years from the date of sale, property so sold is not redeemed, the tax collector then in office shall, upon application of the holders of certificates of purchase, make a deed to such property sold and unredeemed and make and deliver a deed to such property to such certificate holder, or his assignee upon return of the certificate of purchase, payment of all subsequent taxes upon said property and one dollar for the deed. Such deed shall be made by the tax collector in his official capacity so signed by him, and acknowledged before some officer competent to take acknowledgments of conveyances and shall invest the holder with the same rights as any other deed to real estate and may be in like manner recorded. 9. For failure to work the

Working on  
streets

streets the person so failing shall be reported to the mayor by the marshal or other officer who shall oversee such work in such manner as may be provided by the ordinances of said town, the mayor to try said defaulter after due citation to appear before him, and assess a fine if found guilty, at a rate not to exceed three dollars per day in default.

SEC. 7. *Be it further enacted*, 1st. That the style of the ordinances of said town shall be: *Be it ordained* by the town of Dothan. 2. All ordinances and the publication thereof may be proven by the certificate of the clerk of the board over his official signature. 3. All actions in the nature of prosecutions for the violation of town ordinances to recover any fine, or to

Ordinances

enforce any penalty under any ordinance in said town, shall be brought in the name of "The Town of Dothan" as plaintiff. 4. All fines and forfeitures for violation of town ordinances and all moneys collected for licenses and otherwise shall be paid into the treasury of the corporation at such times and in such manner as the board may direct.

Appeals

SEC. 8. *Be it further enacted*, That any person against whom a fine has been imposed for violation of town ordinance, or failure to work the streets, may take an appeal from the judgment of the magistrate to the circuit court of Henry county, by entering into a bond with good and sufficient surety, said bond to be approved by the mayor in double the sum of the fine so imposed, conditioned upon the payment of any judgment as to fine and costs as may be rendered against him in said circuit court; said bond to be made within five days after the fine has been imposed and upon entering into such bond, the mayor shall send a certified transcript of the proceedings of said cause as they appear upon the docket, together with the said bond, to the circuit court within the time and in the manner prescribed by the general laws relating to appeal from a judgment of a justice of the peace in civil cases. The board of aldermen shall, on their first meeting after qualification or as soon thereafter as practicable, elect a clerk, either from among their own number or outside of the board, who shall have the custody of the corporate seal; whose duty it shall be to attend all meetings of the board, who shall provide himself, at the expense of the town, to be paid out of the general fund, a minute book in which he shall enter a full and accurate report of the proceedings of the board. He shall issue and cause to be served upon the councilmen notices of all special meetings of the board, and to give notice to all persons whose presence may be required before the board, or any committee thereof when so directed; he shall keep in a separate book, to be kept for that purpose, a record of all ordinances passed by the board, and at the foot of the record of each ordinance so passed shall make a memorandum of the date of the passage, and the fact of the due publication of the same, as may be required by charter or

Clerk, and  
his duties



ordinance, which record and memorandum or a certified copy thereof shall be for all purpose *prima facie* evidence of the passage of said ordinance and the due and legal publication, printing or posting thereof. He shall be the clerk of the police magistrate, have the power to administer oaths on all lawful occasions and shall, with the mayor, countersign all orders upon the treasurer for the payment of moneys ordered to be paid by the board of councilmen, and perform such other duties as may be imposed upon him either by the provisions of this act or by such ordinances and by-laws as may from time to time be passed by the board of councilmen. The board shall, at their first regular meeting or as soon thereafter as possible, elect one of their own number as treasurer, who before assuming the duties of the office shall enter into a bond as herein provided, and who shall be the custodian of all moneys belonging to the town and shall deposit the same as the board may direct, and shall keep a faithful and true account of the same and pay them out in such manner and under such regulations as the board may direct, and shall make reports to the board relating to the finances of the town as said board may direct and perform all other duties as the board shall by ordinance prescribe.

Clerk,  
and duties

SEC. 9. *Be it further enacted*, 1. That the mayor shall be the chief executive officer of the town, and perform all such duties as are, or may be, prescribed by law or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed. 2. The mayor shall, from time to time, lay before the board a full statement of the condition of the affairs of the town, and shall recommend such measures as he may deem expedient. 3. The mayor shall have the power at all times to examine and inspect the books, records and papers of any employe, agent or officer of the town. 4. He shall have the power and jurisdiction of a justice of the peace of the same precinct in all matters, both civil and criminal, in the same manner and to the same extent as a justice of the peace. 5. He shall be the police magistrate of said town and impose the penalties prescribed by ordinances or by this act for the violation of the ordinances and by-laws

Duties and  
powers of  
mayor

of the town; *Provided*, that in no case shall the fine exceed one hundred dollars. 6. He shall have power to remove the clerk, marshal, or any police or other officer of the town, elected by the board, whenever he deems there is good and sufficient reason therefor, but he must file in writing, with the board, not more than five days after removal, his reasons for so doing, and on his failure to file said statement with the clerk of the board or if the board by a two-thirds vote to be entered on the record shall disapprove of such removal, the officer so removed shall thereby be reinstated in his office. 7. He shall have power to punish for contempt, by fine not exceeding six dollars, and imprisonment not exceeding six hours, or both.

Marshal

SEC. 10. *Be it further enacted*, That the marshal and other police officer or officers of said town shall have the authority, and it shall be their duty, to execute the lawful ordinances of such corporate authorities, and must, without warrant, arrest all persons breaking the peace or violating any ordinance, and bring the offender before the mayor as police magistrate, and the marshal shall have the authority to execute all processes issued by the mayor as ex-officio justice of the peace.

SEC. 11. *Be it further enacted*, That the provisions of this act shall go into effect immediately after its passage, and the rights, powers and authority herein granted are hereby vested in the present mayor and councilmen of the town of Dothan, who are hereby declared a board of aldermen for said town, and who shall exercise the rights, privileges and powers, and to perform the duties as such board until the second Monday in December, 1891, or until their successors are duly elected and qualified.

Approved December 10, 1890.

To authorize the Mayor and Aldermen of Birmingham to issue bonds of said city for an amount not more than four hundred and fifty thousand dollars (\$450,000.00), for the purposes of building and constructing sewers in said city, and extending sewer mains leading from said city to such point as the Board may deem advisable; and for building school houses and furnishing the same; and for paving or macadamizing the streets of said city, and making other permanent improvement in said city; and in improving the cemetery ground heretofore purchased by said city; and in paying whatever floating or outstanding debts said city may have on the 1st day of January, 1891, not to exceed thirty-five thousand dollars (\$35,000.00).

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and aldermen of Birmingham, be and they are hereby authorized to issue bonds of said city of Birmingham to an amount not exceeding four hundred and fifty thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named, in denominations of not less than five hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached bearing interest at a rate not exceeding six per cent. per annum, and payable semi-annually to bearer; said bonds and coupons being payable in gold of the present standard weight and fineness, in the city of New York at some bank designated by the board. Bonds

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act. Duties of  
mayor and  
treasurer

SEC. 3. *Be it further enacted*, That said mayor and aldermen of Birmingham are hereby authorized to do any and all things that may be necessary to carry out Duties of  
mayor and  
aldermen

the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof shall be receivable for all dues to the city in the way of taxes and otherwise.

SEC. 4. *Be it further enacted*, That the said mayor and aldermen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; that said bonds shall not be sold for less than par (100 cents on the dollar) and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, to be used and applied in building and constructing sewers in said city, and in extending sewer mains leading from said city to such point as the board may deem advisable, and in building school-houses and furnishing the same, and in paving or macadamizing streets of said city, and making other permanent improvements in said city, and in improving the cemetery ground heretofore purchased by said city, and in paying whatever floating or outstanding debts said city may have on the 1st day of January, 1891, not to exceed thirty-five thousand dollars.

SEC. 5. *Be it further enacted*, That the use, payment and application of said money shall be under the direction of said board of mayor and aldermen of Birmingham, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sales of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

SEC. 6. *Be it further enacted*, That the bonds herein provided for shall have priority over all bonds of said city hereafter to be issued, and it shall be the duty of said mayor and aldermen of Birmingham to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said city.

Approved December 11, 1890.

91]

## AN ACT

[s. 4.]

To amend section 1667 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1667 of the code of Alabama be amended so as to read as follows: 1667. *The amount of the capital stock and how increased.*—Any company or corporation already organized, or that may be hereafter organized under the provisions of this article, may have a capital stock not exceeding ten millions of dollars, and any corporation now, or hereafter organized under the provisions of this article, may increase its capital stock to an amount not exceeding ten millions of dollars by the vote of the persons holding the larger amount in value of the stock thereof, at a meeting of the stockholders called for that purpose, of which meeting and the purpose for which it was called, thirty days notice must be given each stockholder personally, whose residence is known, and by publication for four consecutive weeks in some newspaper published in the town, city, or county in which the corporation is located, and if at such meetings the persons holding the larger amount in value of the stock vote for such increase, then such increase shall be made. The proceedings of the meeting must be reduced to writing, said writing to be signed by the president or chief executive officer of the corporation, and filed and recorded in the office of the judge of probate of the county in which the corporation is located. Each stockholder is entitled to a preference in taking of the increased stock an amount in proportion to the amount of the original stock he may own, and the stock heretofore issued by corporations organized under this article, whose capital stock does not exceed ten millions of dollars is hereby legalized and made valid, notwithstanding the amount of capital stock of such corporation exceeds the amount heretofore authorized by said section: *Provided*, That such increase may be less, but not be more, than that stated in the published notice for such meeting; *And provided further*, That hereafter that neither stock nor bonds shall be issued by any private corporation except for money, labor done,

or money or property actually received; and all fictitious increase of stock or indebtedness hereafter made shall be void; *And provided further*, That each stockholder shall have a right for sixty days after said increase of stock has been agreed upon to take and pay for his pro rata of said stock in proportion to the stock originally held by him.

Approved December 11, 1890.

92]

AN ACT

[s. 98.

To incorporate the Montgomery, Hayneville and Camden Railroad.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That W. F. Vandiver, Jacob Griel, A.

Corporators

A. Wiley, John W. Durr, F. M. Gilmer, John T. Milner, Charles M. Shelley, Willis Brewer. A. E. Caffey, John P. Streety, L. E. Starr, R. E. McWilliams, Sol D. Bloch and their associates be, and they are hereby

Name

constituted a body corporate and politic by the name of the Montgomery, Hayneville and Camden Railroad, and by that name, or by such other name as the stockholders. after their organization may adopt, are hereby

Rights, etc

authorized to sue and be sued, make a common seal, the same to break, alter or renew at pleasure, to have and to hold real and personal property for the present and future business and purposes of said company, as well as such other property as said company may acquire by gift, devise, donation or purchase for investment or development, and to have and enjoy and secure their franchises within any other state that may authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation, not contrary to the laws of this state, and, generally, to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act.

Route

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate and



construct and thereafter maintain and operate a railway with one or more tracks of rails from the city of Montgomery, Alabama, by way of Hayneville to Camden, through the counties of Montgomery, Lowndes and Wilcox, or such route or routes as may be found best.

SEC. 3. *Be it further enacted*, That said company is hereby authorized, for the purpose of constructing said railroad, to lay out the same not exceeding one hundred feet wide, and for the purpose of constructing necessary buildings, and for the convenient operation of the railway, or for the purpose of protecting its structures, may take as much land in addition as the necessities of the company may from time to time require, such taking being governed by the provisions of the laws and constitution of this state regulating the private property under the general incorporation laws. Right to take  
bond

SEC. 4. *Be it further enacted*, That said company may, for the purpose of making through lines, make common stock, or other lawful contract whereby it may sell or lease to any other company any or all of its said railway, or the franchises thereof. Contract  
with other  
lines

SEC. 5. *Be it further enacted*, That said railway company may cross or build along the right of way of any other railway company for a distance of not more than two miles, and said railway may build across or on or along any of the highways of the country, or across or along any of the streets of any incorporated town or city through which it may be necessary to pass, or across any of the navigable waters along said route; *Provided*, that the said highways and streets shall, after the construction of said railroad thereon, be restored to as good condition as practicable, and in crossing any navigable rivers, they shall place therein a drawbridge, giving a clear passage of at least fifty feet, and the consent of incorporated towns and cities shall be had to the use of the streets and alleys for such right of way before the same shall be so used and occupied. Rights-of-  
way

SEC. 6. *Be it further enacted*, That the capital stock of said railroad company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be transferred in such manner as the by-laws Capital stock

of said company may direct, and when the sum of one hundred thousand dollars shall have been subscribed in money, labor or property, the incorporators herein named, or a majority of them, shall call the subscribers together by notice given in such manner as they may direct, for the purpose of organization, and a majority of the stock so subscribed being present either in person or by proxy, they shall proceed to the organization of the company by electing from among the stockholders of the company not less than five nor more than seven directors to manage the affairs and business of the company for the ensuing twelve months, or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president, and such persons as they may see fit for secretary and treasurer of said company for such period, and under such condition as the by-laws may direct.

**Organization**

**Duty of incorporators**

SEC. 7. *Be it further enacted*, That upon the organization of the company, the said incorporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, notes, obligations, deeds and other papers taken or made by or to them, or any of them in the organization of the company, and henceforth all such bonds, notes, obligations, deeds and other papers, and the rights and property secured thereby shall be the property of the company, and shall be binding on the company, and the other parties to said bonds, notes and obligations, just as if they had been originally made between said railway company and the parties to such bonds, notes, obligations, deeds and papers.

**Rights, powers, etc**

SEC. 8. *Be it further enacted*, That after such organization as hereinabove provided for, the said railway company shall have, and may exercise all the rights and powers conferred on railroads incorporated under the general laws of this State by virtue of section (1580) fifteen hundred and eighty of the code of Alabama, and the said section is hereby made a part of this charter, as fully as if it were set out herein at length, and the provisions of sections 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595 of the code of Alabama shall be and

the same are applicable to the Montgomery, Hayneville and Camden Railroad, just as fully and in all respects the same as if said company had been organized under the provisions of chapter six, of title one, of part two of said code of Alabama, and said sections are hereby made a part of this charter, just as if the same were fully set out at length herein, except where such sections conflict with the expressed provisions of this act; it being the true intent and meaning of this act to confer on said company the powers granted to railroad companies organized under the incorporation laws of this State, found in chapter six, title one of part two of the code of Alabama, except as such provisions are changed, modified or omitted by the expressed provisions of this act.

SEC. 9. *Be it further enacted*, That the company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or other evidences of debt, and by a vote of a majority of directors, had at a meeting called for the purpose, after giving thirty (30) days notice, may secure the payment of notes, bonds or other evidences of debt by a mortgage or deed of trust on its franchises, and any or all of its property, real and personal.

May borrow  
money, etc

Approved December 11, 1890.

93]

AN ACT

[H. 451

To authorize the court of county commissioners of Greene county to make an order transferring to the general fund of said county the balance of the money now in the hands of the county treasurer of Greene county, belonging to the sinking fund, or special fund created by said court of county commissioners under the provisions of an act of the General Assembly of Alabama, entitled, "an act to authorize the court of county commissioners of Greene county to issue bonds for the purpose of compromising the old bonds of said county, issued in aid of Selma, Marion and Memphis railroad," approved February 23d, 1881, and to authorize the county treasurer of said

county, on said order being made by said court of county commissioners, to transfer to the general fund of said county, said balance of money in his hands as such treasurer belonging to said sinking fund, or special fund, and to make said money so transferred a part of the general fund of said county.

Duty of com-  
missioners  
court

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Greene county be, and is hereby authorized and empowered to make an order transferring to the general fund of said county the balance of the money now in the hands of the county treasurer of Greene county, belonging to the sinking fund, or special fund, created by said court of county commissioners, under the provisions of an act of the general assembly of Alabama, entitled, "an act to authorize the court of county commissioners of Greene county to issue bonds for the purpose of compromising the old bonds of said county, issued in aid of Selma, Marion and Memphis Railroad Company," approved February 23d, 1881.

Duty of  
county  
treasurer

SEC. 2. *Be it further enacted*, That on said order being made by said court of county commissioners, as above provided, that the county treasurer of said Greene county be, and is hereby authorized, empowered and required to transfer to the general fund of said county, said balance of money in his hands as such treasurer, belonging to said sinking fund, or special fund, created by said court of county commissioners under the provisions of said act, approved February 23d, 1881.

Money part  
of general  
fund

SEC. 3. *Be it further enacted*, That the money so transferred to said general fund from said sinking fund or special fund under the provisions of this act, shall belong to and form a part of the general fund of Greene county.

Approved January 26, 1891.

94]

AN ACT

[H. 328

To ratify and confirm all contracts, sales, conveyances and mortgages made by, or to, the Alabama State Land Company since November 11th, 1886.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all contracts, sales, conveyances and mortgages made by or to the Alabama State Land Company, since the 11th day of November, 1886, the day on which said company filed its declaration for incorporation in the office of the judge of probate in and for Jefferson county, Alabama, be and the same are hereby ratified and confirmed, and declared to be of full force and effect; *Provided*, That nothing contained in this act shall be so construed as to make any mortgage or conveyance to said company legal, which is now illegal by reason of any defect in said conveyance or mortgage. Confirmation

Approved January 23, 1891.

95]

AN ACT

[H. 204

To prescribe the time in which bills of exceptions must be filed in the criminal court of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, in all cases where conviction is had in the criminal court of Jefferson county, and questions of law are reserved for the consideration of the supreme court, all bills of exceptions must be filed in said court within sixty days after conviction; *Provided*, That this act shall not be construed so as to prevent agreements in writing as to the time, between the solicitor and counsel for the defendant. Bills of exception

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed

Approved January 23, 1891.

96]

AN ACT

[H. 237]

To repeal an act, entitled "an act to protect fish in the county of Butler," approved February 21st, 1887.

Act repealed SECTION. 1 *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to protect fish in the county of Butler," approved February 21st, 1887, be and the same is hereby repealed.  
Approved January 23, 1891.

97]

AN ACT

[H. 193]

To authorize and empower the commissioners court to have a general index made for the records in the probate court of Choctaw and Coosa counties.

Direct and reverse index SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Choctaw and Coosa counties, are hereby authorized and empowered, and it shall be their duty, to have a general index made of all the records now in the probate court of said counties, direct and reverse.

SEC. 2. *Be it further enacted*, The compensation to be allowed for said work shall be such as said court may deem proper.

Approved January 23, 1891.

98]

AN ACT

[s. 101]

To repeal, in part, an act in relation to trials for misdemeanors in Tuskaloosa and other counties therein named, approved March 19th, 1875.

Act repealed as to Bullock SECTION 1. *Be it enacted by the General Assembly of Alabama*, That so much of an act, entitled "an act in relation to the trial of misdemeanors in Tuskaloosa and other counties therein named," and which act was approved on the 19th day March, 1875, be and the



same is hereby repealed, so far as the same applies to the county of Bullock.

Approved January 24, 1891.

99]

AN ACT

[s. 38

To require all butchers and dealers in live stock, in Mobile county, to keep a register of all stock purchased or received by them.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all butchers or persons who purchase or receive live stock for the purpose of killing and selling the meat thereof, and all dealers in live stock, in Mobile county, shall keep or cause to be kept a register in a well bound book, showing the date of each purchase or consignment of stock, the number of head of stock in each purchase or consignment, the name of the person from whom purchased or received, the character and flesh marks of each head of stock, and the marks and brands thereof: That said register shall be open to the inspection of the public on demand.

Duties of  
dealers in  
stock

SEC. 2. *Be it further enacted*, That any person or persons who shall fail to comply with any of the provisions of this act, shall on conviction, be fined fifty dollars for the first offense, and one hundred dollars for each subsequent offense.

Penalty

SEC. 3. *Be it further enacted*, That the provisions of this act shall not apply to live stock received in Mobile by railroad or steamboat, from beyond the limits of the State of Alabama.

Approved January 24, 1891.

100]

AN ACT

[H. 146

To establish a charter for the town of Woodlawn, in Jefferson County, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within the

Name, rights  
powers, etc

boundaries hereinafter designated are hereby incorporated and constituted a body politic and corporate under the name of Woodlawn, and by that name may sue and be sued, receive and grant, and do all other such acts as natural persons may within the powers herein granted and conferred, and may purchase and hold property, real or personal, for municipal purposes, and may have and use a corporate seal that may be altered at pleasure.

Boundaries

SEC. 2. *Be it further enacted*, That the corporate limits of said Woodlawn shall be, and the municipality of Woodlawn shall be included in the following boundaries, to-wit: Commencing at a point on the north and south division line of the N W  $\frac{1}{4}$  of section twenty-two (22), township seventeen (17), range two (2) west, where the East Birmingham right of way crosses said line; thence northwest along the northeast side of said dummy line right of way to Branch street; thence northwest along the northeast side of said Branch street and East Birmingham dummy line to intersection of fourth avenue of the W. J. Vann survey; thence southeast along the south side of said fourth avenue to intersection of Cedar street; thence along the south side of said Cedar street to intersection of East Birmingham dummy line right of way; thence west along the south side of said East Birmingham dummy line right of way to intersection of north and south line between sections twenty (20) and twenty-one (21), township seventeen (17), range two (2) west; thence south along said section line to corner of sections twenty (20) and twenty-one (21), twenty-eight (28) and twenty-nine (29), township seventeen (17), range two (2) west; thence east along line between sections twenty-one (21) and twenty-eight (28) to corner of sections twenty-one (21), twenty-two (22), twenty-seven (27) and twenty-eight (28) township seventeen (17), range two (2) west; thence north along the line between sections twenty-one (21) and twenty-two (22) one-half mile; thence east one-quarter of a mile to the north and south division line of the northwest quarter of section twenty-two (22); thence north along said division line to the point of beginning.

SEC. 3. *Be it further enacted*, That the government

of said municipality, and the corporate powers shall be exercised by a mayor and five aldermen who shall be elected as hereafter provided, on the first Tuesday in March, and annually on the first Tuesday in March thereafter by ballot by the legally qualified electors of the State of Alabama, who have resided within the corporate limits of said Woodlawn three months next preceding such election. The first election held under the provisions of this act shall be held and conducted by the sheriff of Jefferson county, who, to that end, with the probate judge of said county, shall appoint three qualified electors residing within said Woodlawn as managers of said election; that said managers shall be duly sworn in all things to conduct said election as provided by the law for holding elections in the State of Alabama; that the polls of such election shall be opened between the hours of eight and nine a. m., and kept open until the hour of seven p. m.; that said managers shall count the votes cast, make up a poll list of the persons who voted, and with their certificates endorsed thereon, showing the persons voted for and for what office voted for, and deliver the same in a box sealed up, to the sheriff, who shall return the same to the probate judge of said county, as delivered to him, within three days after such election. The said probate judge and sheriff shall count the votes so cast and declare the result thereof. The persons receiving a plurality of the votes cast shall be the mayor and aldermen for the year next succeeding. All elections for municipal officers thereafter shall be held under regulations adopted by the municipal authorities, who shall count the votes and declare the result. No person shall be a qualified voter at the election hereinabove provided for, who has not been duly registered for the beat in which Woodlawn is situated, under the state laws. Persons otherwise qualified as electors may be registered at the polls by the sheriff on the days of the election aforesaid. After the first election the municipal authorities may, at least twenty days before each succeeding election, make provisions for registering the electors residing within the corporate limits of Woodlawn. They shall also make provisions for such registering on

Election

Duties of  
judge of  
probate  
and sheriff

Registration

Ties

the day of the elections; *Provided*, That it shall only be necessary to register at each succeeding election voters who have not been registered at a former municipal election. In all elections where there is a tie between any two persons voted for, where only one can fill the office to be filled, the election must be decided by a majority vote of the board of mayor and aldermen. At all elections held under this act, it is the duty of each manager to challenge any person offering to vote who he knows or suspects not to be a qualified elector. The person so challenged may be examined under oath by the managers as to his qualifications and the managers may examine other persons under oath, touching his qualifications. In all such cases, the managers are authorized to administer oaths, and when proof is taken may receive or reject the ballot offered.

Illegally registering or voting is a felony

SEC. 4. *Be it further enacted*, That any person who obtains registration when he is not entitled, in his own name or the name of another, or by an assumed name, and thereby casts a vote, or who shall swear falsely when challenged, or who after having once voted at such election, votes a second time, or who shall aid another person not entitled to register and vote, to vote at such election, shall in each and every such case be guilty of a felony, and shall on conviction be punished by imprisonment for not less than six months nor more than one year?

Oath of office

SEC. 5. *Be it further enacted*, That before entering upon their duties as such, the mayor and aldermen shall take an oath to support and obey the constitution and laws of the United States, and to support and to obey the constitution and laws of the State of Alabama, and of the town of Woodlawn, and to discharge their duties respectively as such mayor and aldermen. Said oath to be administered by any officer authorized to administer oaths. A majority of the board of aldermen shall be required to transact any corporate business, may adopt such rules of procedure as may be necessary for the transaction of business, may fine its members for absence or disorderly behavior and may fill all vacancies of the board that may occur from death, removal or resignation. The mayor when

Quorum

present shall preside at all meetings of the board and cast the deciding vote in all cases of a tie in the board. When absent, the aldermen present may elect one of their number to fill his place. In case of the office of mayor becoming vacant, the aldermen may elect a mayor to fill the vacancy for the unexpired term. The interest of the municipality requires it. The board shall meet at least once a month for the transaction of business. Vacancies

SEC. 6. *Be it further enacted,* That the mayor or in his absence, any alderman, shall hear and determine all cases of violations of the by-laws or ordinances, or of the charter of said Woodlawn and punish offenders in such manner as may be prescribed by such by-laws and ordinances, and shall receive such fees or salary as the board may prescribe. The mayor shall have and possess within the limits of Woodlawn, all the powers and jurisdiction, both civil and criminal, of a justice of the peace, and shall be subject to all corresponding duties and liabilities of a justice of the peace, and before acting as justice of the peace must give bond as other justices of the peace. Before entering upon his duties as mayor, shall give bond to be approved by the probate judge of Jefferson county in the sum of one thousand dollars, payable to Woodlawn, and conditioned for the faithful performance of his duties as mayor. From any judgment of the mayor rendered in case of violation of any municipal ordinance or by-laws, an appeal will be allowed if taken within five days thereafter, to the next term of the circuit court, or court of like jurisdiction of Jefferson county, upon the defendant entering into bond with surety, to be approved by the mayor payable to said Woodlawn, for such sum as the mayor may require, not less than double the fine and cost, and conditioned to prosecute such appeal to effect, and to pay such judgment as the appellate court may render in said case. In case the appellant make default the appellate court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties on the appeal bond, for the amount imposed by the mayor, and cost of the appeal. In case Duties of  
mayor

Appeals

## Appeals

the defendant appears, to prosecute his appeal the trial shall be *de novo*, and if judgment be rendered against the defendant for money, the court must also render judgment against the sureties on the appeal bond for the amount of said judgment and cost of the appeal, and in addition thereto if the judgment be for imprisonment or hard labor, the defendant shall be remanded to the municipal authorities of Woodlawn for punishment. When the judgment of the court shall be only imprisonment or hard labor, then the court shall render judgment against the defendant, and the sureties upon the appeal bond for cost of the appeal, and for cost imposed by the mayor. The mayor or alderman acting as mayor, shall have power when so authorized by ordinance, upon the trial of offenders, to impose fines, imprisonment, or hard labor on the streets. In all cases when a person is accused of a violation of any ordinance, he or she may give bail with surety for his or her appearance before the mayor for trial, and if he makes default, the mayor may declare his bond forfeited, and enter judgment, after notice to his sureties, against the defendant, and his or her sureties for the amount of the bond, or in such sum as the circumstances of the case may authorize; *Provided*, That two returns of "not found" by the proper officer, shall be equivalent to personal service.

Powers of  
mayorPowers of  
mayor and  
aldermen

SEC. 7. *Be it further enacted*, That the mayor and aldermen of Woodlawn shall have full power to adopt and enact all by-laws and ordinances for the well being of the inhabitants of Woodlawn authorized by this act, and not in conflict with the constitution and laws of the State of Alabama, and to affix appropriate penalties thereto by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town, not exceeding 30 days: And all persons convicted of any breach of the by-laws or ordinances of said Woodlawn failing to pay such fine may be imprisoned or placed at hard labor until such fine and cost are paid, for a term not exceeding thirty days. To pass all ordinances, to prevent or abate nuisances and to punish persons creating or allowing nuisances on their premises or elsewhere. To pass all laws necessary to prevent the introduction of contagious



diseases into the town. To preserve health and to establish and regulate quarantine and pest-houses. To maintain hospitals, and to provide for and keep up a cemetery. To license, tax and regulate theatricals and other amusements, circuses, menageries, shows and exhibits, for the sake of gain, all trades, business, occupations and professions. To restrain all public gaming houses, houses of ill-fame, and to prevent and punish all violations of the criminal laws of the State of Alabama. To appoint a marshal or chief of police, and as many police as may be necessary for the good government of the municipality. To divide the municipality into wards and increase the number of aldermen to seven or nine, whenever the board of aldermen shall deem proper to do so. To establish and regulate markets and market places and to enact laws for the sale of meats, vegetables, and fruits within the corporate limits. To sink and regulate public wells, to establish, authorize and regulate water works, fire plugs and hydrants, to make all needful provisions for a supply of water, gas, gas lights, electric lights, and for lighting the streets. To establish fire limits, to make all necessary arrangements and provisions for the protection of property against fire, by suitable fire apparatus. To establish, open, control, regulate, repair, grade, pave and close streets and alleys; to establish, curb, grade and regulate sidewalks; and to construct sewers. To prevent the running at large of animals in the streets, and to authorize the impounding of the same, and to prescribe the conditions upon which the same may run at large. To regulate and control the running of cars, locomotives, and dummy engines, or electric motors along and across the streets, and regulate the speed of the same, and regulate and control the grading in, in and around all railroads or dummy tracks running along or across any street of said town; *Provided, however,* that the said railroad companies shall not be required to grade said track further than three feet on both sides of the outer rails of said tracks. To enact all ordinances, regulating the sale of wares and merchandise on the streets. To require property owners to keep sidewalks in front of their property in

Powers of  
mayor and  
aldermen

Powers of mayor and aldermen

good repair. To have and exercise full police power in the corporate limits; to prevent crime. To protect the rights of persons and property and to preserve the public peace. To this end the marshal and policemen are clothed with the authority of constables under laws of the State of Alabama. To require all male inhabitants over the age of 18 and under 45 years, residing within the corporate limits to work not more than ten days in each year upon the public streets, or in lieu thereof to pay a sum to be fixed by the mayor and aldermen not exceeding five dollars per annum, and to this end to enact suitable ordinances, to enforce the duties when required. The inhabitants of said Woodlawn are relieved from working the public roads of the county. To establish, regulate and control a system of public schools, and maintain the same. To license hacks and drays, regulate the running of the same, and to protect them in the collection of their lawful charges.

Appointed officers

SEC. 8. *Be it further enacted*, That the mayor and aldermen are authorized to create all such, and to appoint all such officers as may be necessary to carry into effect the powers conferred by this act. To prescribe their duties, to fix their compensation and the terms of service, to regulate and control them in the discharge of their duties, and to remove or discharge such officers or agents.

Personal and real estate

SEC. 9. *Be it further enacted*, That the mayor and aldermen have full authority to purchase and provide for the payment of the same, all personal and real estate deemed necessary from time to time for the public use and convenience, and to construct suitable public buildings for council chambers, prison houses, market houses and school houses.

Taxes

SEC. 10. *Be it further enacted*, That the mayor and aldermen of said Woodlawn, to provide public revenue, are authorized to levy taxes on personal and real property, not to exceed one-half of one per centum of the value of such property as assessed for state and county taxes for the preceding year, capital employed in business in said municipality, auction sales of merchandise, gross amounts of commissions, or sums received during the preceding year by any factor, com-

mission merchant, or buyer. On the gross receipts of each trade or occupation conducted within or derived from a business carried on in, or partly within, said municipality, and on all salaries, whether from public or private employment, after deducting the expense of carrying on such trade, occupation or employment; *Provided*, That where capital is invested in goods, wares or merchandise, a tax shall not be levied upon the capital, and at the same time, upon the property in which the same is invested, and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and aldermen are authorized to establish regulations to insure correct returns to the proper officer or officers or agents of all subjects of taxation, and for the listing of the same by the tax payer for taxation, and if the tax payer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits, and to make all needful regulations to equalize the valuation of property, assessed for taxation, and to provide that the same be assessed at its proper valuation according to law.

Taxes

SEC. 11. *Be it further enacted*. That the mayor and aldermen are empowered to make all needful regulations and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax collector, who shall qualify by taking an oath, to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality.

Tax collector  
etc

SEC. 12. *Be it further enacted*, That when the book of assessment shall be completed and returned to the mayor and aldermen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant annexed to the tax list or book of assessment, to the collector of the corporation tax, which list shall contain the names of the tax payers, a description of the real estate, its valuation and the taxes assessed thereon, and such tax list, with the warrant annexed, shall have the force and effect of an

Assessment  
book

execution, and shall be a preferred lien on all the property within the corporate limits, of every person assessed within the same over all incumbrance except the state and county taxes from the date of the assessment.

Taxes have  
effect of  
judgment

SEC. 13. *Be it further enacted*, That all taxes levied and assessed within the corporate limits of Woodlawn shall have the force and effect of a judgment at law, and in addition to the remedy hereinafter given, the corporation of Woodlawn may bring suit in any court of law or equity against the person or persons assessed, jointly or severally, and recover such sum as may be found to be due for taxes and charges.

Duties of tax  
collector

SEC. 14. *Be it further enacted*, That after giving notice by advertisement, by posting or in a newspaper published in Jefferson county, for twenty days, that the corporation taxes are required to be paid to him on or before a certain day, it shall be the duty of the collector to enforce the collection of the same by a levy upon and sale of the personal property of the delinquent tax payer at public auction, first giving five days notice of the time and place of sale. A collector's fee of fifty cents and all costs of sale shall be charged to and collected from all delinquent tax payers. If after taxes have been assessed, the tax collector shall become satisfied that the taxes due from any person are in danger of being lost by delay, he is authorized and required without delay to seize, levy upon and sell any personal property liable for the payment of taxes.

Collection of  
taxes

SEC. 15. *Be it further enacted*, That the failure of the collector to seize and sell personal property for the payment of taxes in default shall not be a defense or ground of objection to the sale of real estate for taxes in default or arrears. The mayor and alderman are authorized by ordinance to adopt the procedure for the sale of real estate for the collection of taxes as set forth in Article 3, chapter 5, title 7, Part 1, Code of 1886, and jurisdiction to that end is hereby conferred upon the probate judge of Jefferson county, Alabama, to hear and determine and enter decrees of sale for the amount of taxes due with the cost and charges thereupon. The

purchaser of land at such sale shall receive a certificate of purchase as provided in Section 581, Code of Alabama, 1886, therefor, executed by the tax collector of the corporation of Woodlawn. By virtue of the certificate of purchase so executed, the purchaser may sue for at law, and recover possession of the real estate thereby conveyed, with the rents thereof from the date of the execution of certificate of purchase. In all suits brought under this act, for the possession of real estate, the decree or certified copy of the same of the probate judge ordering the land to be sold, and the certificate of purchase therefor executed by the said tax collector shall, be *prima facie* evidence of the right of the purchaser or those claiming under him to recover the real estate sold. If the land is in the possession of a tenant, notice to him by the purchaser or his vendee of the purchase, after the lapse of ten days from the time of the sale, that he is the purchaser and that the land has not been redeemed, vests the right to the possession in him in the same manner as if the tenant had attorned to him.

SEC. 16. *Be it further enacted*, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of the certificate of purchase by the owner, or any person interested in the same, paying, or tendering to the purchaser or his vendee, the amount of the purchase money with interest at the rate of 15 per cent. per annum, all taxes, state, county and municipal, paid by the purchaser, the value of all necessary improvements erected thereon to keep the property in good repair, such values to be ascertained as now provided by the laws of the State of Alabama, and all lawful charges thereon. When property is not restored to the taxpayer upon his complying with the foregoing provisions he may recover possession of the same by an action of unlawful detainer or an action of ejectment. The municipality of Woodlawn is authorized to purchase property sold at tax sale, receiving therefor the certificate of purchaser of the tax collector, and is entitled to the same remedies as other purchaser for the recovery of the same.

Collection of taxes

Right to redeem, etc

Poll tax

SEC. 17. *Be it further enacted*, That the territory embraced within the corporate limits of Woodlawn be and the same is hereby constituted a public school district, and the mayor and aldermen, for the use of the public schools, are authorized to collect all poll tax from persons liable therefor living within the corporate limits of Woodlawn, and a payment of such poll tax to the tax collector of Woodlawn shall be a full discharge of the liability therefor to the tax collector of Jefferson county.

License tax

SEC. 18. *Be it further enacted*, That from every person, firm or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Woodlawn, the mayor and aldermen are authorized to collect a license tax, the amount thereof to be, as far as may be, regulated by the volume of the business or trade, and the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance. All sums derived from license under the provisions of this section are hereby appropriated to the support and maintenance of free schools within the corporate limits of Woodlawn.

Liquor prohibition

SEC. 19. *Be it further enacted*, That after the passage of this act it shall be unlawful for any person to sell, give away, deliver or otherwise dispose of vinous, spirituous or malt liquors, or any intoxicating bitters within the corporate limits of Woodlawn; *Provided*, that this act shall not be construed to prevent practicing physicians or licensed druggists from using the same in compounding medicines, nor families using the same for household purposes.

Penalty

SEC. 20. *Be it further enacted* That any person guilty of the violation of the preceding section, on conviction thereof, shall be fined in any sum not less than \$50.00 nor more than one hundred dollars, and may be put to hard labor not more than thirty days.

Present charter repealed

SEC. 21. *Be it further enacted*, That the present charter of Woodlawn is hereby repealed; *Provided*, that the present municipal government is continued in force until the officers elected under section three of this act have qualified as required; *and provided further*, that all laws and ordinances now in force shall continue in



force until repealed or modified by the mayor and aldermen of Woodlawn, and that no prosecution, suit or claim now pending shall be affected in any manner whatever by the adoption of this act.

SEC. 22. *Be it further enacted*, That all the provisions of this act shall be liberally construed to enable the mayor and aldermen of Woodlawn to carry into effect all the powers conferred thereby. Liberally  
construed

SEC. 23. *Be it further enacted*, That for any service rendered by the probate judge and sheriff of Jefferson county, they shall receive fees and compensation as paid by the State of Alabama and Jefferson county for similar service, to be paid by Woodlawn. Fees

SEC. 24. *Be it further enacted*, That the board of mayor and aldermen shall have power to issue bonds of the town to an amount not exceeding twenty thousand dollars in sums of one hundred dollars, and payable at such time and place as said board may designate, not exceeding twenty years from the date thereof, with coupons attached bearing interest at the rate of eight per centum per annum, payable to bearer, and receivable in payment of all taxes levied by the town : said bonds shall not be valid till signed by the mayor of the town and countersigned by the treasurer thereof, and the treasurer shall keep a correct account of such bonds issued and disposed of, and they shall be exempt from municipal taxes in said town; said bonds shall be sold at not less than ninety cents on the dollar. May issue  
bonds

SEC. 25. *Be it further enacted*, That the proceeds from the sale of said bonds shall be used for building and furnishing school houses for the town, for purchasing sites on which the same shall be built, for improving the streets and avenues, for sanitary drainage, for supplying the town with water, and other permanent improvements of a general nature. How pro-  
ceeds to be  
used

SEC. 26. *Be it further enacted*, That the board of mayor and aldermen shall have power to do all things necessary to carry out the powers granted, to issue and dispose of bonds, and may herein act through themselves or through agent or agents duly appointed by them for that purpose at any regular or special meeting of the board, and no technical informality, irregularity, neglect or omission, in the proceedings or re- Powers of  
mayor and  
aldermen

cords of said board, shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Payment of  
interest

SEC. 27. *Be it further enacted*, That to pay the interest on said coupons and the principal at maturity, the board of mayor and aldermen shall levy a sufficient tax on the property, licenses and businesses subject to tax under the provisions of this charter or the revenue laws of the State of Alabama, situated or located in said town.

SEC. 28. *Be it further enacted*, That a failure to pay the interest due on any of said coupons, shall, while such failure continues, make it unlawful to issue or dispose of any other bonds herein provided for.

Sidewalks

SEC. 29. *Be it further enacted*, That the board of mayor and aldermen, for the purpose of curbing, paving or otherwise improving the sidewalks in the town to a width not over ten feet, may assess the cost of such improvement against the owner of abutting property or lots in proportion to the frontage of such property or lots, and the amount so assessed to each owner shall be a lien on the lot or property affected, having the same remedies for its enforcement as any ordinary real estate tax levied by the town.

Approved January 26, 1891.

101]

AN ACT

[H. 418

To amend an act passed by the General Assembly of Alabama, and approved February 28th, 1889, entitled "An act for the preservation of game animals and birds in the county of Greene."

Preservation  
of game

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act passed by the general assembly of Alabama, and approved February 28th, 1889, entitled "An act for the preservation of game animals and birds in the county of Greene," be so amended as to read as follows: That it shall be unlawful, at any place in the county of Greene, to catch, kill or injure, or to pursue with such intent any wild buck,

doe or fawn, between the 10th day of January and the 1st day of November; and it shall be unlawful to catch, kill or injure, or to pursue with such intent any wild turkey between the 15th day of April and the first day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent any quail, sometimes called partridge, between the 1st day of March and the 1st day of November; and it shall be unlawful to catch, kill or injure or pursue with such intent any turtle dove between the 1st day of February and the 1st day of August; and it shall be unlawful at any time and at all seasons to catch, kill or injure or to pursue with such intent the mocking bird.

Approved January 26, 1891.

102]

AN ACT

[s. 50

To provide a system of Water Works for the City of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city council of Montgomery be and it is hereby authorized to buy, or to erect and maintain, and to operate, waterworks for the supply of the city of Montgomery and its inhabitants with water, and for that purpose may issue bonds of the city of Montgomery to an amount not exceeding four hundred thousand dollars (\$400,000.00) to run such time, not exceeding thirty years from their date, and to bear such interest, not exceeding six percent., as may be determined by said city council. Authority of city council

SEC. 2. *Be it further enacted*, That the bonds to be issued under this act shall be coupon bonds, bearing interest payable semi-annually or quarterly, at such place or places as may be designated therein, and shall be issued under the corporate seal of the said city, and none of said bonds shall be of a lower denomination than of one hundred dollars, and shall not be sold or disposed of by the said city council at less than par. Kind of bonds

SEC. 3. *Be it further enacted*, That full power be and is hereby given to the said city council to enter in-

## Powers

to, and to make all needful contracts for requiring a location or locations for machinery and reservoirs, stand-pipes, buildings and other parts of such system of water works; and also, for rights of way for the erection, laying, maintenance and operation of such water works, and in the event of not contracting for such locations and rights of way, to condemn the same by judicial proceedings in the mode now or hereafter provided by law for the taking of private property by said city for use as public streets.

## Regulations

SEC. 4. *Be it further enacted*, That the said city council shall be, and is hereby invested with full power to make all proper regulations for preserving, maintaining and operating such waterworks when established, and to collect such rates for water supplied as it may deem just and proper, but not to exceed the usual and customary rates charged by other cities similarly situated, for like service; and to regulate all plumbing and drain laying, and other work done in connection with such waterworks, whether such work is done for said city council, or for persons using, or intending to use such waterworks. And the said city council shall be and is hereby authorized to extend such waterworks into any part of the police jurisdiction of said city it may deem proper, and in that event, all the powers herein given to said city council shall apply to such portion of such waterworks.

## May mortgage works

SEC. 5. *Be it further enacted*, That the said city council be, and is hereby authorized to mortgage said waterworks to secure the payment of such bonds, and the interest thereon, as may be issued under authority of this act, and said city council may, from time to time, as it may deem necessary, extend and enlarge such waterworks by erecting or purchasing additional works, this last named power of purchase being applicable to any other system of waterworks, or part thereof, now in operation, or that may hereafter be in operation in said city; and the mortgage herein above provided for may be made to cover future acquired property.

SEC. 6. *Be it further enacted*, That the bonds and coupons for interest thereon, issued under this act, shall be negotiable paper, and may be made payable to

bearer, but the holder of any of such bonds may convert the same into a registered bond by an entry on the back of said bond that the same is registered, such entry to be made in the presence of, and witnessed in writing on such bond by the said treasurer of said city, and thereafter, while such bond remains so registered, the same shall not be either negotiable or assignable, and the principal sum of all bonds so registered, and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are so registered, or to the personal representative or successor in trust of such person. It shall be the duty of the city treasurer to keep a record of the bonds so registered, and any bond so registered may be rendered again negotiable by an endorsement thereon by the lawful holder thereof, made in the presence of, and witnessed by said city treasurer, that said bond has been again rendered negotiable, and the city treasurer shall thereupon note on the record of registration that such bond so endorsed, is no longer registered. Such endorsement can only be made by the person in whose name the bond is registered, or the personal representative, or successor in trust, of such person, and the city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the endorsement of any registered bond by any person other than the person in whose name the same is registered, or the personal representative or successor in trust of such person, but in all cases in which the treasurer shall have any doubt of the right or lawful authority of any personal representative or successor in trust to make such endorsement, the treasurer may require the person claiming the right to make such indorsement, to procure, at his own expense the decree of a court of competent jurisdiction authorizing such person to make such indorsement, and such decree shall protect the treasurer from all liability for allowing such indorsement.

Bonds negotiable, or may be registered

Duties of city treasurer

SEC. 7. *Be it further enacted,* That it shall be the duty of the said city council to charge individuals and corporations who may be supplied with water from the waterworks to be purchased or erected under this act, a rate for the water used or consumed by such persons

Charge for water

Payment of  
interest

Operating  
expenses

or corporations, sufficient to pay the interest on said bonds which are to be issued under this act, and to collect the dues for water so used, and apply the same to the payment of such interest; *Provided*, the rates so charged and collected shall not exceed the limit prescribed by section 4 of this act; *and provided further*, that the operating expenses of said works shall first be paid from such dues.

Approved January 26, 1891.

103]

AN ACT

[H. 440

To regulate the pay of the Judge of Probate and Clerk of the Circuit Court of Covington county for services ex-officio.

Pay for ex-  
officio ser-  
vices

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the beginning of the next fiscal year, the judge of probate, and clerk of the circuit court of Covington county, shall be allowed as compensation for services not otherwise provided for by law, and usually denominated "ex-officio services," the sum of one hundred and twenty-five dollars per annum, to be paid as jurors are paid, without being itemized, and not to take effect until after the present terms expire.

Laws in con-  
flict repealed

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the foregoing section, so far as they relate to Covington county, be and the same are hereby repealed.

Approved January 28, 1891.

104]

AN ACT

[H. 191

To repeal an act entitled an act, to establish a court of county revenues for Chilton county, approved February 28, 1887.

Act repealed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to establish



a court of county revenues for Chilton county," approved February 28, 1887, be and the same is hereby repealed; *Provided*, This repealing act shall not take effect until the first Monday in August, 1891.

Approved January 28, 1891.

105]

AN ACT

[H. 232

To authorize the payment of fines and forfeitures in Walker county with the claims of the officers of said county which are now or may hereafter be registered against the fine and forfeiture fund of Walker county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all claims of officers in state cases which are now, or may hereafter, be registered against the fine and forfeiture fund of Walker county, shall be received in payment of all fines and forfeitures assessed in said county, the same as witness tickets which are registered against said fund. Payment of  
fines and  
forfeitures

Approved January 28, 1891.

106]

AN ACT

[H. 233

To amend section four of an act entitled "an act in relation to trials of misdemeanors in Walker county," approved February 23, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That section four of an act entitled "an act in relation to trials of misdemeanors in Walker county," approved February 23, 1883, be amended so as to read as follows: Section 4. *Be it further enacted*, That whenever a person indicted for a misdemeanor shall demand a jury as provided for in this act, it shall be the duty of the judge of said county court to order the sheriff of said county, to summon instantler, eighteen freeholders or householders of said Trials by  
jury

county, from whom shall be selected a jury for the trial of such alleged offender, and the state and such indicted person, shall have the same right of challenge as is now or may hereafter be provided by law for like offenses in the circuit court; *Provided*, That tales jurors may in like manner be summoned in all cases when found necessary by the court trying the cause; *Provided further*, That whenever a person accused by affidavit of a misdemeanor shall demand a jury, he shall be bound over to await the action of the grand jury as in other county courts.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved January 28, 1891.

107]

AN ACT

[H. 99]

To allow the Probate Judge, Clerk of the Circuit Court, and Sheriff of Dale county, to sell or dispose of their claims against the fine and forfeiture fund in Dale county, and to make said claims receivable in payment of fines and forfeitures, just as State witness claims against said fund, and now receivable and payable under the statute of Alabama.

Claims  
against fine  
and forfeiture  
fund

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the the passage of this act that the probate judge, clerk of the circuit court, and sheriff of Dale county, be allowed to sell or dispose of their claims against the fine and forfeiture fund in Dale county, and to make said claims receivable in payment of fine and forfeitures, just as state witness claims against said fund are now receivable and payable under the statute of Alabama.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved January 28, 1891.

108]

AN ACT

[H. 129

To confirm the ordinance passed by the mayor and council of the town of Decatur, and the contract in pursuance thereof, passed on the 7th day of October, 1890, granting to J. Judson Barclay, J. C. Hallowell, and J. D. Jervis the right to operate and maintain a line of railroad over and along Market, Washington, Davis and Lee streets in the town of Decatur.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the ordinance passed on the 7th day of October, 1890, by the mayor and council of the town of Decatur, and the contract entered into in pursuance thereof by and between the mayor and council of the town of Decatur, and J. Judson Barclay, J. C. Hallowell, and J. D. Jervis, granting to the said J. Judson Barclay, J. C. Hallowell and J. D. Jervis, and their successors and assigns, the rights, privileges and franchises of surveying, locating, constructing, equipping, maintaining and operating in said town of Decatur, and on and along Market, Washington, Davis and Lee streets a single track, dummy or steam line of railroad with switches, spurs and sidetracks, be and the same is in all things confirmed.

Ordinance  
and contract  
confirmed

SEC. 2. *Be it further enacted*, That the said mayor and council of the town of Decatur shall have the right to pass all such ordinances and by-laws as may be necessary to carry into effect said ordinance and contract, and to pass all such ordinances that they may deem advisable and expedient, granting the right of way to said J. Judson Barclay, J. C. Hallowell and J. D. Jervis, their successors and assigns, over any of the streets of the town of Decatur for railroad purposes.

Right of  
mayor and  
council

Approved January 28, 1891.

109]

AN ACT

[s. 66

To constitute the City of Anniston a Separate School District and to provide a Board of Education therefor.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the territory within the corporate School district

limits of the City of Anniston shall be a school district separate and apart from the remaining districts in the county of Calhoun.

Board of education elected by council  
 SEC. 2. *Be it further enacted,* That the public schools of the City of Aniston shall be under the control and management of a board of education, to consist of nine suitable persons to be elected by the mayor and city council of Anniston from the qualified electors of the city at its first regular meeting in March, 1891; such board to be divided into three classes, three in each class. The first class shall hold office for a term of two years, the second class for four years, and the third class for six years, and biennially thereafter the city council shall elect the successors of the three members of the board whose term of office expires, and they shall hold office for a term of six years. Vacancies in said board caused by death, resignation or removal, shall be filled for the unexpired term by the city council. The board shall elect a chairman from its members who shall hold office for a term of two years. He shall have the right to vote upon all questions before said board, and shall have a casting vote where there shall be a tie.

Oath of office  
 SEC. 3. *Be it further enacted,* That each member of said board shall, upon his induction into office, take and subscribe an oath or affirmation faithfully to discharge the duties imposed upon him as a member of such board. A majority shall constitute a quorum for the transaction of business. The members shall receive no compensation.

Powers of board  
 SEC. 4. *Be it further enacted,* That said board may provide all rules, by-laws, or regulations necessary for the conduct of business that may come before it, and may elect a secretary, who shall hold office at its pleasure, who shall receive such compensation as such board may prescribe.

Secretary  
 Duties of board  
 SEC. 5. *Be it further enacted,* That it shall be the duty of such board, annually, before the first day of May, to submit a statement to the mayor and city council aforesaid, showing the amount of money required for the support and maintenance of the public schools of the city for the next ensuing scholastic year, and for the erection, rental or repair of the necessary

school buildings, together with a statement of the probable amount of money that will be received from the state school fund, or from any other source. When such statement shall have been made, the mayor and city council shall make an appropriation to supply whatever additional amount may be necessary, but it shall not be required to appropriate more than twenty per cent of the gross revenues of the city for such schools; but it may in its discretion appropriate larger sums, or make special appropriations for the erection, repair or rental of school houses; and all moneys whether received from the city or from the State, county or other source, shall be placed by the city treasurer to the credit of such board of education, separate and apart from other funds in his hands, and it shall be disbursed as described by said board.

SEC. 6. *Be it further enacted*, That such board shall elect a superintendent of the public schools of such separate school district, who shall hold office for a term of two years, unless sooner removed, and he shall perform the duties and receive such salary as the board may prescribe. It shall also elect all teachers, fix their duties and compensation; prescribe the qualifications necessary to become a teacher in said schools, and said board, or a committee thereof, shall examine all applicants to teach in said schools, and from such applicants it shall select such as may be considered best qualified to fill the positions of teachers. The board may provide all rules and regulations necessary for the conduct of such schools, and it may require the use of such text books as it may think proper.

Superintendent of public school

SEC. 7. *Be it further enacted*, That said board of education shall have power to lease, purchase, build, furnish or keep in repair school houses; and all property, real or personal, now used by the mayor and city council of Anniston for school purposes shall vest in and be under the control of said board, and shall be used for the same purposes upon its organization.

Powers of board

SEC. 8. *Be it further enacted*, That said board of education shall receive its proportionate share of the public school revenue, including a *pro rata* share of the sixteenth section fund of each township which lies

School revenue

wholly or in part within said school district, and shall receive all the taxes collected as poll taxes within the said district for the use and maintenance of the public schools therein, and for the purpose herein authorized, which said moneys shall be paid over to the treasurer of the city of Anniston, and shall be by him kept and disbursed as provided by section five of this act.

School cen-  
sus

SEC. 9. *Be it further enacted*, That the superintendents of said schools shall attend to the taking of the school census (with such assistance as may be allowed him by said school board) whenever such census is required to be taken, and he shall make a full report of the same to said board and to the state superintendent of education.

SEC. 10. *Be it further enacted*, That said board of education shall have power to charge in the high schools (if such be established) such incidental or other fees, as may be necessary for the proper conduct of such high schools, but no fee shall be charged in any school of lower grade than the high school.

SEC. 11. *Be it further enacted*, That an act to constitute the town of Anniston a separate school district, approved February 3d, 1883, and any laws or parts of laws in conflict with this act, be and the same is hereby repealed.

Approved January 28, 1891.

110.]

AN ACT

[s. 235.]

To provide for the election of the County Board of Commissioners of Autauga County.

Election of  
county com-  
missioners

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election next to be held in this state, and at each general election every two years thereafter, there shall be elected by the legally qualified voters of the county of Autauga, four persons who shall constitute a court of county commissioners or board of revenue, in and for said county, which four persons shall exercise all the powers and perform all the duties now or hereafter required by law



of the present board of revenue of said county, and said four persons and their successors in office elected as herein provided, shall be called and styled a board of revenue.

SEC. 2. *Be it further enacted*, That the said board of revenue so elected, shall take the oath of office, and may enter on their duties immediately after the official count and declaration of their election, and may hold their office until their successors are elected and qualified as herein provided. Oath of off

Approved January 28, 1891.

111]

AN ACT

[H. 72

To prevent the tying or staking out of any stock on or alongside of any public road.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act it shall be unlawful for any person to tie or stake out stock of any kind on, or sufficiently near any public road, so that they may graze or go upon said public road, or wander about the bridges thereof. Unlawful tie or stake out stock public ro

SEC. 2. *Be it further enacted*, That any one violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one dollar nor more than twenty dollars; *Provided*, That this act shall only apply to the counties of Perry, Dallas, Macon and Greene. Penalty

Approved January 29, 1891.

112]

AN ACT

[H. 657

To establish a district in Limestone county in which it shall be unlawful for hogs, sheep and goats to run at large.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That between the 15th day of November

Stock law  
districts

and 15th day of February, no hogs, sheep or goats, shall be permitted to run at large within the following described district in Limestone county: beginning at the Memphis and Charleston railroad bridge, on the Tennessee river, thence in an easterly direction along the track of the M. and C. R. R. to the junction of the Nashville and Decatur railroad, thence northerly along said road to Rowland station, thence east along the township or Huntsville and Brown's ferry road to the county line, thence south along said county line to the Tennessee river, thence down said river to the beginning; and the district in said Limestone county described as follows: Beginning on the line between Limestone and Madison counties where the Huntsville and Brown's ferry dirt road crosses said county line, and run north with county line to the Huntsville and Athens dirt road, better known as the Nich Davis road, thence along said road to the corporation of the town of Athens, thence west with corporation line to the Athens and Lucas ferry road, thence south and west with said road to the northeast corner of section 36, township 3, range 5 west, thence west with section line to the northeast corner of said section 36, thence south three miles, with the section to the southwest corner of section 12, township 4, range 5, thence east to Lucas ferry road; thence south to the Tennessee river; thence up the river to the railroad bridge at Decatur; thence northwest with the Louisville and Nashville railroad to the Huntsville and Brown's ferry dirt road; thence east to the beginning.

Duties of  
taker up

SEC. 2. *Be it further enacted*, That whenever any damage has been done to any property in the said district, by hogs, sheep, or goats running at large in violation of the provisions of this act, the party whose property has been damaged may have the right to take possession of any hog, sheep, or goat, if found at large or uncontrolled, on the premises of such person, and when so taken up, the person taking up such stock shall forthwith notify the owner of such stock, or his or her agent, if the owner is made known to the taker up, who must exercise due diligence in ascertaining the owner of such stock. If the owner or agent shall refuse to satisfy the taker up for the damage done by

Appeal

SEC. 3. That either party shall have the right to appeal to the circuit court, from the judgment of the justice of the peace or notary public in such cause.

If owner is  
unknown

SEC. 4. *Be it further enacted*, That if the owner or agent of the stock doing the damage is not known or made known to the taker up then he shall report the taking up and description of the stock to the nearest justice of the peace, or notary public, within twenty-four (24) hours after the taking up, and make affidavit that the owner is not known, and that he has not been able to ascertain the name of the owner, and the affidavit shall also contain a short and clear description of the stock, and that it was taken up on the premises of which the affiant was in possession, or for which he was agent, and on the filing of such affidavit, the same proceedings shall be had as in case of estrays under the existing laws of the state, except that no bond shall be given as is now provided in such laws, but the taker-up shall be liable for any willful neglect or injurious treatment, or any conversion which may cause a loss of the stock so taken up.

Penalty

SEC. 5. *Be it further enacted*, That the owners or managers of any hogs, sheep or goats who shall knowingly suffer such stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not more than fifty dollars for each hog, sheep or goat running at large; *Provided*, that justices of the peace and notaries public with powers of justices, shall have jurisdiction of the offense of this section; *provided further*, that all prosecutions under this act shall be commenced within twenty days after the commission of the offense, and that the party injured shall alone have the right to institute suit for prosecution; *Provided further*, that no action under this section shall be against any person residing outside of the district described in section one of this act.

Fees

SEC. 6. *Be it further enacted*, That justices of the peace, notaries public and constables shall be entitled to the same fees under this act, to be taxed as costs in each case, as are allowed by law in other civil and criminal cases, and the freeholders or householders mentioned in section two of this act shall be entitled

such stock, said taker up may within ten (10) days after such damage was done, make complaint against the owner of the stock, or person or persons having them in charge, to a justice of the peace or notary public with powers of a justice of the peace, in said district in which said damage was done, describing the property damaged and the stock doing the damage, and whenever such complaint is made the justice of the peace or notary public shall issue notice to the owner, or person in charge of such stock, commanding him or her to appear and answer on a day not less than five (5) nor more than ten (10) from the issuance of such complaint. Said justice of the peace or notary public shall also issue notice to three (3) disinterested freeholders or householders, commanding them to assess and report to him on which the owner or agent of said stock is required to answer said complaint, on their oaths the amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause, and if the owner of the stock appears on the day he is commanded to appear, and answer said complaint, the justice of the peace or notary public shall try such cause and render such judgment therein as the justice and equity of the case demands, but if the owner or agent of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace, or notary public shall also render judgment condemning the stock doing the damage, to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution on such judgment, commanding any constable of the county to levy on, and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs; *Provided*, That no action shall lie under this section against any person living outside of the district described in section 1, and whose hog, sheep or goat may stray across the line and trespass in said district, unless the owner or agent may have had twenty-four notice of such trespass and fail to take such stock out of the limits of said district within that time.

Duties of justice of the peace

to seventy-five cents each for each case, to be taxed as costs.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 8. *Be it further enacted*, That all laws and <sup>Laws in con-</sup> parts of laws in conflict with the provisions of this act, <sup>dict repealed</sup> be and the same are hereby repealed.

Approved January 30, 1891.

113]

AN ACT

[H. 445

To constitute the Town of Attalla a Separate School District and to provide for the management of the Public Schools of said District.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporate limits of the city of Attalla, Etowah county, and the inhabitants thereof are hereby incorporated by the name of the School District of the City of Attalla. <sup>School dis-</sup>  
tricts

SEC. 2. *Be it further enacted*, That said school district shall receive each year its proportionate share of the school fund coming to Etowah county, from whatever source derived, and its proportionate share of the sixteenth section fund, and also all the taxes collected as poll taxes in said district, which fund and taxes and all other funds for the use of said school district, are to be controlled, managed and expended as hereinafter named. <sup>School funds</sup>

SEC. 3. *Be it further enacted*, That a board of education, to be known as the board of education of said school district, is hereby appointed to consist of the mayor of said town, who shall be ex-officio president thereof, and four other persons, who for one year next preceding their election, shall have been *bona fide* residents of said town, and who shall be elected by the qualified electors of said district at the time the election is held for mayor and aldermen of said town, and whose term of office shall be three years from the date of their election, and the election of said board shall be held by the inspectors appointed to hold <sup>Board of edu-</sup>  
cation

an election for mayor and aldermen of said town, and the returns of said election shall be certified to said mayor and aldermen, who shall declare the result thereof.

Powers of  
board

SEC. 4. *Be it further enacted*, That the said board of education shall have the management and control of the public schools of said district, and of all moneys and property collected, donated or acquired for said school district, and of the expenditure and investment of said moneys as herein provided by this act, and said board shall also have power to create and appoint a board for the examination of applicants for positions as teachers in the public schools of said district, and no person shall be elected by said board of education as a teacher in any of said public schools who shall not have received a license from said board of examination. Said board of examination shall consist of such number of persons as may be deemed expedient by the board of education, and they shall serve as such at the pleasure of said board of education; *Provided*, that said board of education may, at its election, examine applicants for positions as teachers in said public schools, and issue license to said teachers upon such examination; *and provided further*, that no person shall teach any of the public schools of said district who has not been elected by the said board of education.

Teachers

Secretary  
and treasurer

SEC. 5. *Be it further enacted*, That said board of education shall elect from their body a secretary and treasurer thereof, and the treasurer, before entering upon his duties, shall make bond in such sum as the board may direct, with sufficient surety to be approved by the president of said board, payable to said school district, with condition faithfully to discharge the duties of his office during his continuance therein, which bond shall be entered upon the minutes of said board, and also transcribed upon the records of the town of Attalla, and the original then kept by the said board in some safe and convenient place, and a certified transcript of the record of said bond from the minutes of said board or from the record of said town of Attalla, shall be presumptive evidence of the execution of said bond in all the courts of this state, in the event said bond should be lost.



SEC. 6. *Be it further enacted*, That a majority of said board of education shall constitute a quorum for the transaction of business, and a record shall be kept of all their official meetings, and if at any meeting the president of the board should be absent, the members present may elect a president pro-tempore.

Quorum

SEC. 7. *Be it further enacted*, That the treasurer of said board of education shall receive all moneys belonging to said school district and pay the same out only upon the warrant of the mayor of the town, and said mayor shall not draw a warrant for any of said moneys except upon the order of the board of education, and whenever called upon by said board, the treasurer shall make a report in writing of money received and paid out by him for and on account of said school district.

Duties of treasurer

SEC. 8. *Be it further enacted*, That said board of education shall make a written report to the state superintendent of education on the first Mondays in January and July of each year, of the condition of the schools in said district, the length of time they were open the past scholastic year, the number of pupils in attendance, the number of teachers, the value of school property, the amount paid for school houses or for repairing the same, the amount paid teachers, and the amount received from all sources the past scholastic year for the use of said school district, and of any other matter required by law, and a duplicate of said report shall be filed with the mayor and aldermen of said town of Attalla, who shall at the expense of the town, cause the same to be published in some newspaper of said town.

Semi-annual report of boards

SEC. 9. *Be it further enacted*, That the mayor of said town of Attalla, and the treasurer of said board of education shall at such time as may be fixed by the board, make report in writing to the board of education of the expenditure of the moneys of the school district, which reports shall be submitted to the board for examination and shall be spread upon the minutes of the board.

Duties of mayor and treasurer of board

SEC. 10. *Be it further enacted*, That the tax collector of the county of Etowah is hereby required to pay over to the treasurer of said board of education, all poll taxes collected within said school district, and the

Duties of tax collector and other officers

receipt of said treasurer under the seal of said school district shall be a valid voucher in the hands of said tax collector in his settlement with the auditor of the state, and the superintendent of education of said county is required to pay over to the treasurer of said board the pro rata share of said school district in the school fund of said county, and the marshall or person authorized to receive and collect taxes for the town of Attalla is required to pay over to said treasurer all such moneys as were collected by said marshall or other person for the use and benefit of said school district.

Rights, powers, etc

SEC. 11. *Be it further enacted*, That said school district, by its corporate name, shall have the power to sue and be sued, contract and be contracted with, shall have a common seal, to be kept by the secretary of said board of education, shall have the right to buy, sell, lease, receive by gift or devise, real and personal property for the use and benefit of the public schools of said town; shall contract for the erection of school houses in said district, which shall be located in such place or places as will best serve the convenience of the children in said district, and change the location of said school houses whenever necessary, and the board of education herein provided for shall be the proper constituted authority for the purpose of executing and carrying out the powers and exercising the rights and privileges herein conferred upon said said school district.

Separate schools for white and black

Incidental

SEC. 12. *Be it further enacted*, That all children residing within said district between the ages of seven and twenty-one shall have the right to enter any of the public schools of said city free of charge, provided always that separate schools shall be established for the white and black races, and there shall not, in any event, be a mixture of the races in any of the public schools; *and provided further*, that the board of education, in its discretion, may assess an incidental fee of twenty cents per month for each pupil, which shall be paid before entering the schools of said district, and the regulation as to payment of said incidental fee shall be made by said board of education; *and provided further*, that non-resident children of said district may

Non-resident pupils

be received as pupils in the schools of this district upon such terms as may be prescribed by the board of education.

SEC. 13. *Be it further enacted*, That no school house shall be built in said district without the character and style of said building and material to be used in the construction thereof shall first be submitted to the mayor and aldermen of said town, and the consent of said mayor and aldermen obtained.

School  
buildings

SEC. 14. *Be it further enacted*, That nothing in this act shall be construed as in conflict with the constitutional duty of the state superintendent of education to exercise a supervision of the public schools of said district.

State super-  
intendent

SEC. 15. *Be it further enacted*, That the members of the board of education, before they enter upon their duties, shall each take and subscribe on oath to discharge their duties to the best of their ability, which oath shall be entered upon the minutes of said board.

Oath of office

SEC. 16. *Be it further enacted*, That all vacancies in said board shall be filled by appointment by the mayor and aldermen of said town of Attalla, and no person shall be appointed to fill a vacancy on said board who does not possess the qualifications required by this act, and all appointees to said board shall continue in office until the next ensuing election of a board of education.

Vacancies

SEC. 17. *Be it further enacted*, That the bond of the treasurer of said board may be increased or strengthened, or said treasurer required to make a new bond, whenever in the judgment of said board it is necessary, and the treasurer when required to make a new bond, or to give additional security upon his bond, shall do so within ten days after notice of such requirement, and failing so to do, his office as treasurer and as a member of said board thereby becomes vacant.

Bond of  
treasurer

SEC. 18. *Be it further enacted*, That any member of said board removing from said district thereby vacates his office, and the fact of such removal being ascertained by the board, they shall declare said vacancy and notify the mayor and aldermen of said town thereof, and all other vacancies on said board shall also be certified to said mayor and aldermen.

Vacation of  
office

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Laws in conflict repealed SEC 19. *Be it further enacted*, That all laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved February 4, 1891.

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114]

AN ACT

[H. 335]

To amend "An act to prohibit the sale, giving away or disposing of spirituous, vinous or malt liquors for gain in Beat one, Lee county, Alabama, and to provide for an election therein." Approved February 28, 1887.

Act amended SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of said act be amended so as to read as follows: That it shall be unlawful to sell, give away or dispose of spirituous, vinous or malt liquors in beat one, Lee county, Alabama. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction, shall be fined for each offense the sum of fifty dollars, and may be sentenced to hard labor for the county not exceeding six months.

Approved January 30, 1891.

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115]

AN ACT

[H. 300]

To repeal an act entitled "An act to establish an Inferior Court for Cullman County." Approved March 1st, 1881.

Act repealed SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to establish an Inferior Court of Cullman County," approved March 1, 1881, be and the same is hereby repealed.

Approved January 30, 1891.

116]

## AN ACT

[H. 331

To reduce the Fees of Probate Judges in certain cases  
in the County of Lamar.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the expiration of Fees the existing term of the present incumbent of the probate judge's office of Lamar county, that the judge of probate of the county of Lamar shall receive for recording the proceedings of commissions, for each hundred words, ten cents; and for recording wills, inventories, sale bills, reports, certificates, transcripts, returns, orders, decrees, declarations of incorporation, deeds, and all other instruments, and all proceedings required by law to be recorded, and not otherwise provided for, for each hundred words, ten cents.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed, so far as the county of Lamar is concerned. Laws in conflict repealed

Approved January 30, 1891.

117]

## AN ACT

[H. 251

To amend an act entitled "An act for the protection of Plantations and Crops within certain limits in Lauderdale county, Alabama."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section three of an act approved 14th December, 1869, entitled "An act for the protection of plantations and crops within certain limits in Lauderdale county, Alabama," be and the same is hereby amended so as to read as follows: Sec. 3. *Be it further enacted*, That after said public fence shall have been built, and for the purpose of keeping up said fence and preserving the same, the said court of county commissioners shall appoint three persons, residents and freeholders of the district of country lying between the Tennessee river and said public fence, as supervisors Public fence

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Supervisors  
and their  
duties

of the same, whose duty it shall be to have the general superintendence and control of said fence and gates, and to do all thing necessary to preserve and keep up the same; and said supervisors shall, whenever practicable, let out by contract to the lowest responsible bidder the keeping up of said fence and gates in such divisions and for such time as they deem best. The said supervisors shall thoroughly review said public fence and gates at least once in every quarter, and shall have power, in case any of the contractors suffer the same to get out of order, to have the same repaired, and to deduct the amount expended for such repairs from the sum to which such contractor would be entitled for fulfilling his contract. No moneys shall be paid out by the county treasurer from the special fund for building and keeping up said fence and gates except upon the approval of the court of county commissioners; and it shall be the duty of said supervisors to appoint one of their number who shall appear before said court of county commissioners at each of its quarterly terms in each year, with all bills, accounts and debts not previously passed upon by said court, and said court shall then proceed to examine said bills, accounts and debts, and, if approved, order the county treasurer to pay the same out of the special fence fund. The said supervisors shall hold their office for three years, and before entering upon the discharge of their duties shall take an oath to perform, faithfully and impartially, the duties imposed on them by this act. Vacancies in the board of supervisors shall be filled by the court of county commissioners, and the majority of the board shall be competent to make contracts. In payment of said supervisors for services rendered previous to the passage of this act, the court of county commissioners is hereby authorized to allow such sum as it may deem proper and reasonable, out of the special fence fund, in no case to aggregate more than fifty dollars to any one supervisor. And in payment of services hereafter to be rendered, said court of county commissioners is hereby authorized to allow such sum as it may deem proper and reasonable out of the special fence fund, in no case to exceed twenty-five dollars a year to any one supervisor.

Approved January 30, 1891.



118]

AN ACT

[H. 37

To prevent the cutting of timber, rolling of logs, or throwing bushes into any of the running streams in Jackson and Fayette counties, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to cut timber, roll logs or throw brush into any of the running streams in Jackson and Fayette counties so as to obstruct the flow of the water or to cause the accumulation of drift in such streams; *Provided,* that this act shall not be so construed as to prevent the use of such streams for the purpose of rafting or floating timber to market.

Obstructing  
streams

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

Penalty

Approved January 30, 1891.

119]

AN ACT

[H. 38

To provide for the payment for the publication of the Laws of a general and public character, passed at the second sitting of the session of 1888-89, of the General Assembly of Alabama.

*Whereas,* The laws of Alabama, of a general and public character, passed at the second sitting of the session of 1888-89 of the Legislature of Alabama, were published by the Brown Printing Co., public printers, in a daily and weekly newspaper, as required by section 211 of the Code of Alabama; and,

*Whereas,* No provision was made in the contract between the State of Alabama and the said public printers fixing the price for the publication of said laws, as required by said section; and,

*Whereas,* The cost of said publication remains unpaid:

SECTION 1. *Be it enacted by the General Assembly of*

Payment for  
advertising  
laws

*Alabama*, That the secretary of state and auditor be, and they are hereby authorized to adjust, with interest, the claims of the said The Brown Printing Co., public printers, for the publication of said laws, and to pay for the same at the rate of seventy-five (75) cents per square of ten lines for one insertion in the newspaper in which the same were published.

Approved January 30, 1891.

120]

AN ACT

[H. 374

To amend Section 4 of an act entitled "an act to more effectually secure competent and well qualified jurors in the several counties in this state, with the exceptions that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery," approved February 28, 1887, so far as the same relates to the county of Marion.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4 of an act entitled "an act to more effectually secure competent and well qualified jurors in the several counties of this state, with the exception that the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Clay, Marengo, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery," approved February 28, 1887, be and the same is hereby amended so as to read as follows, so far as relates to the county of Marion: Sec. 4. *Be it further enacted*, That when said list is completed, said commissioners must write the name of each person therein contained, with his place of residence and occupation, if it appears from the list, on a separate piece of paper, and must fold or roll up such piece of paper as nearly as may be in the same manner, so that the name may not be visible, and deposit the same in a box, which must be secured by sufficient locks and seal. Said commissioners shall, at their session hereinbefore provided, proceed to draw from said

Selection of  
jurors in  
Marion  
county

box a grand jury for each regular term of any court to be held during the next ensuing year in the county for which a grand jury by law is required, one grand juror from each voting precinct so far as possible, not less than fifteen nor more than eighteen persons for each of said grand juries, to be composed of such persons as are duly qualified to serve as grand jurors; and, next, the names of the requisite number of persons to serve as petit jurors for each of said courts, allowing not more than twenty-eight nor less than twenty-four persons for each week of the term prescribed by law. Said petit jurors shall be drawn from the different voting precincts, so far as is possible; or, if the term is unlimited, for each week during which, in the opinion of the clerk of that court, a jury will be required; and the juries for each week shall be drawn separately and successively, and every piece of paper on which is written the name of the person so drawn must be destroyed; *Provided*, that this act shall not take effect until the next regular drawing of said grand and petit juries.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed.

Approved January 30, 1891.

121]

AN ACT

[H. 207

To change and fix the Rules of Descents and Distributions in this State, as to persons dying in the State who leave no husband or widow, or children, or their descendants, but who leave parents surviving them.

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That hereafter in this state, the real and personal property of all persons dying in the state, who leave no husband, or widow, or children, or descendants of children, but who leave surviving, a parent or parents, shall descend, subject to the payment of debts and charges against the estate: first, to the parents, in equal portions; and in case but one parent Descents and distributions

is surviving, then he or she shall be entitled to one-half of such estate, and the other half to the brothers and sisters of the deceased, or their descendants, as now provided by law; and if there be no brothers and sisters and their descendants, then the whole estate shall go to the surviving parent.

Approved January 30, 1891.

122]

AN ACT

[H. 91

To levy a State and County tax on Peddlers of Clocks.

License for  
peddling  
clocks

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act there shall be collected from each peddler of clocks doing business in this state, a state license tax of five hundred dollars, and a county license tax of two hundred and fifty dollars for each county in which such business is carried on.

SEC. 2. *Be it further enacted*, That any person selling or offering to sell clocks without first paying the license, as provided for in section one of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars nor more than one thousand.

Approved February 5, 1891.

123]

AN ACT

[H. 230

To amend sub-division 11, of section 453 of the Code.

Subjects of  
taxation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sub-division 11, of section 453 of the code be amended so as to read as follows: 11. The road-bed and tracks and other property, real and personal, of railroads, and all tram-roads, pole-roads, canals, ditches and channels used for transporting lumber, timber, logs, or other valuable commodities of commerce, which are not taxed as improvements on

the land, or plant, or main property of the person or company who own such tram-roads, pole-roads, canals, ditches or channels.

Approved January 30, 1891.

124]

## AN ACT

[H. 652

To provide for the payment of the members and expenses of the joint committee which held its sittings during the recent recess, to inquire into the necessity for increasing the Judicial Circuits and Chancery Divisions of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of one hundred and fifty dollars, or so much thereof as may be found necessary, be appropriated out of any money now in the treasury and not otherwise disposed of, to be drawn in the manner now provided by law, for the pay of the respective members who composed the joint committee of the house of representatives and the senate, which held its sitting during the recent recess to inquire into the necessity for increasing the judicial circuits and chancery divisions of this state, together with the servant upon said committee, and an amount sufficient to reimburse the chairman of said committee for the amount expended for printing, stationery, stamps and clerical assistance ; *Provided*, That no mileage shall be allowed said committee.

Appropriation

Approved February 2, 1891.

125]

## AN ACT

[H. 164

To establish a separate school district to be known as China Grove school district in Hale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a separate school district to be known as the China Grove school district, be and the

School district

same is hereby established, to consist of land known and described as follows: The west  $\frac{1}{2}$  of sections 21, 28 and 33, and all of sections 20, 29, 32, 19, 30 and 31 of township 23, range 6 east, and the east  $\frac{1}{2}$  of sections 23, 26 and 35, and all of sections 24, 25 and 36, in township 23, range 5 east, and also the west  $\frac{1}{2}$  of section 4 and all of sections 5 and 6 in township 22 range 6 east, in the county of Hale, be and the same is hereby constituted a school district separate and apart from the remainder of the townships from which the same has been taken, and shall be under the supervision of a district superintendent of public schools appointed by the county superintendent of education, with power to transact all matters pertaining thereto.

Approved February 2, 1891.

126]

AN ACT

[H. 460

To prohibit the sale of vinous, malt or spirituous liquors, or other intoxicating drinks within six miles of the Mount Moriah Freewill Baptist church, Pickens county, Alabama.

Liquor pro-  
hibition

SECTION. 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person to sell any vinous, malt or spirituous liquor, or other intoxicating drinks, within six miles of the Mount Moriah Freewill Baptist church, Pickens county, Alabama.

Penalty

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars.

Approved February 2, 1891.



127]

AN ACT

[H. 543]

To amend section (10) ten of an act entitled an act to provide a new charter for the city of Tusculumbia, Alabama, approved February 28, 1887.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section (10) of an act entitled an act to provide a new charter for the city of Tusculumbia, Colbert county, Alabama, approved February 28, 1887, be amended so as to read as follows: Section (10.) Be it further enacted, That in case of the death, resignation or removal of the mayor or any of the aldermen of said city, the remaining members of the board of mayor and aldermen shall immediately after the death, resignation, or removal of such mayor or alderman fill the vacancy caused thereby by election from the citizens of said city. That the person so elected shall hold office until the next annual election; that in case of the temporary disability of any of the officers of said city, the mayor and aldermen are empowered to appoint substitutes until their disability be removed. Vacancies

Approved February 2, 1891.

128]

AN ACT

[H. 454]

To prevent the manufacture, sale, giving away, bartering, exchanging or otherwise disposing of alcoholic, vinous, or malt liquors, or intoxicating bitters or beverages in Holly Springs precinct, No. 31, in Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to manufacture, sell, give away, barter, exchange or otherwise dispose of alcoholic, vinous or malt liquors, or intoxicating bitters or beverages, in Holly Springs precinct, No. 31, in Jackson county. Liquor prohibition

SEC. 2. *Be it further enacted*, That any person

Penalty

violating the provisions of this act, shall be guilty of misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months, at the discretion of the jury trying the same.

Approved February 2, 1891.

129.]

AN ACT

[H. 285]

To expedite the printing of the Acts and Joint Resolutions of the General Assembly.

Printing of  
Acts, etc

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That the secretary of state shall furnish to the public printer copies of all acts and joint resolutions of the general assembly, within five days after they are deposited in the office of secretary of state, marginal notes to each section, stating its substance, and have the requisite number printed by the public printer, numbered in the order furnished. After all the acts and joint resolutions of the general assembly are printed, the Secretary of State shall have prepared and printed with the same a full index for the book in two divisions, viz: the first to be an index to all laws and joint resolutions of a public or general character; the second to be an index to all laws which are private or local.

Laws in con-  
flict repealed

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 2, 1891.

130]

AN ACT

[H. 145]

To amend an act to incorporate the Central City Insurance Company, approved November 28, 1863.

SECTION 1. *Be it enacted by the General Assembly*

of Alabama, That the act, entitled an act to incorporate the Central City Insurance company, which is as follows:

"SECTION 1. *Be it enacted by the General Assembly of Alabama*, That C. E. Thames, A. S. Huntington, W. S. Knox, J. E. Prestridge, W. M. Smith and W. M. Byrd, and such others as may hereafter be associated with them, and their successors, are hereby declared and created a body politic and corporate, by the name of the Central City Insurance Company, and by that name shall be capable of suing and being sued in any of the courts of law and equity in this state as a natural person. They shall have power to purchase, hold and enjoy real and personal estate of any description whatever, and may dispose of the same at pleasure, and shall have power, generally, to do and perform any and every act necessary to be done to carry into effect the objects of this charter, not inconsistent with the laws and constitution of this state and the United States. They may have and use a common seal, and may alter the same at pleasure.

Central City  
Ins. Co.  
charter  
amended

"SEC. 2. *Be it further enacted*, That the capital stock of said company shall not be less than fifty thousand dollars, the whole of which shall be paid in at the time of subscribing, and shall be divided into shares of one hundred dollars each; and the board of directors may at any time after the organization of said company, increase the capital stock of the company to three hundred thousand dollars, at their discretion, under such regulations as they may think best to adopt.

"SEC. 3. *Be it further enacted*, That the office of the company shall be in the city of Selma, county of Dallas. The book of subscription shall be opened in the city of Selma at any time prior to the first day of March next, and at such place in said city as a majority of the persons named in the first section of this act may determine, and shall be kept open until the sum of fifty thousand dollars shall be subscribed and paid in; and the persons aforesaid, or a majority of them shall, as soon as the sum of fifty thousand dollars has been subscribed and paid in, call a meeting of the stockholders who shall proceed to the election of not

Central City  
Ins. Co.  
charter  
amended

less than three and not more than seven directors, as may be determined upon by them; and said board of directors shall proceed to elect one of their own body president, and the said president and directors shall have full power and authority to appoint and remove at pleasure all officers and agents of said corporation; to fix their compensation; prescribe their duties, and provide for taking of bonds of officers for the protection and security of said corporation; they shall have power to fill all vacancies which may occur in their own body of any unexpired term; shall appoint a president *pro tem*, if necessary, in the absence of the president; and said directors shall have full power to remove from office the president and elect another in his place, if they shall think proper to do so.

"SEC. 4. *Be it further enacted*, That the directors shall be elected by the stockholders, and the president by the directors from among their own number, and when elected shall hold their office for one year from date of such election, and until their successor shall be elected; and it shall be the duty of the president and directors to call an annual meeting of the stockholders to make such election; and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum; each stockholder shall be allowed one vote for each share of stock he holds, and the stock may be represented in person or by proxy in writing, but no person shall act as proxy who is not himself a stockholder.

"SEC. 5. *Be it further enacted*, That said corporation shall have power to make insurance on ships and all other sea vessels and steamboats and all other river crafts; on all goods, wares and merchandise, slaves, bullion, money and other property, against all marine or river risks; and upon houses, stores or other buildings, goods, wares and merchandise of every description against fire, and to fix a premium thereon; also to insure the lives of persons and property, and to fix the rate of insurance thereon; to receive from any free persons or corporations deposits on trust, and to accept all such trusts or agencies within the scope of its business, as may be confided to it; it shall have power to borrow money and issue its bonds

therefor; to invest its money or property in any way, thing, or any manner which would be lawful for a citizen to invest money or property in; and the said property and securities to sell and transfer at pleasure; it may loan money or property to any person or persons or corporation, on any security it may think proper; the corporation shall have power to purchase, discount and sell bills of exchange and promissory notes, subject to the laws against usury; to receive on deposit for collection promissory notes and bills of exchange, charging the usual rates therefor; the said corporation shall not make or issue any bills, bonds, or notes to circulate in the community as money, and all bills, bonds, notes and other securities made payable at the office of said corporation shall be subject to the same rules of law, and to the same legal remedies, as if made payable at any of the banks of this state.

Central City  
Ins. Co.  
charter  
amended

"SEC. 6. *Be it further enacted*, That the president and directors of said corporation shall have power to fix the mode of transfer of the certificates of stock, as well as the time, mode and places of payment of interest and dividends; and a majority of the board of directors shall constitute a quorum. The said corporation shall also have power to pass all such by-laws, rules and regulations, as may be necessary to carry into effect the provisions of this charter, and to carry on the business of said corporation which are not inconsistent with the provisions of this charter, and the laws and constitution of this State and the United States; and said corporation shall have power to make all such contracts, by the president and directors or by such agents as they may appoint, as may seem to them most to the interest of said corporation; and said president and directors may, by resolution or by-law, create all such officers and agents, not herein named, as they may determine to be necessary to carry on their business; they shall have power to prescribe an oath, and to require each officer and agent to take and subscribe to the same, before he enters upon the duties of his office, and they shall fix and prescribe the amount of each bond to be given by the officers.

"SEC. 7. *Be it further enacted*, That said corpora-

tion be liable to its creditors to the full amount of its property and assets, and the several stockholders shall be liable to creditors of the corporation to the extent of their stock subscribed and not paid in.

"SEC. 8. *Be it further enacted*, That this charter and all the privileges herein contained and granted, shall remain in full force for the period of thirty years from the date of its approval, approved November 28, 1863," be and the same is hereby amended by striking out section eight of said act, and inserting in lieu and place thereof the following:

SEC. 8. *Be it further enacted*, That this charter and all the privileges contained and granted therein shall remain in full force, without limitation as to time.

Approved February 2, 1891.

131]

AN ACT

[H. 320

An act to establish a new charter for the town of Piedmont, Alabama.

Name, rights,  
powers, etc

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Piedmont in Calhoun county, Alabama, shall be and continue a body politic and corporate by the name of the city of Piedmont, and by this name may sue and be sued, receive and grant and do all other acts as natural persons, in respect to the powers herein granted, may purchase and hold real and personal and mixed property, and use and dispose of the same for the benefit of said city, as the mayor and city council may deem necessary and proper.

Corporate  
limits

SEC. 2. *Be it further enacted*, That the corporate limits of the city of Piedmont shall embrace and include all the territory lying within one mile in every direction from the public well as now located in said city and shall have police jurisdiction one mile beyond its corporate limits.

SEC. 3. *Be it further enacted*, That the government of the city of Piedmont and its corporate powers shall be exercised by a mayor and six councilmen, who



shall be elected annually on the third Monday in December, by ballot by the male inhabitants of said city, entitled to register and vote under the laws of this state, and who have resided therein for thirty days next preceding such election. Said election shall be held by three citizens of said city who shall be appointed for that purpose by the mayor and councilmen. Notice of said elections shall be given by the mayor at least ten days preceding such election by posting notices in three public places in said city. The polls on election day as above described shall be opened at nine o'clock, a. m. and closed at four o'clock, p. m. and the election conducted in the same manner as elections for state officers. The managers of elections shall certify the result at such elections and in case any two persons offering for the same office shall receive an equal number of votes then one of the managers, who shall be designated as chairman at the time of their appointment shall give the casting vote, and shall give the persons elected, a certificate of election. The persons so elected, shall, before entering upon the discharge of their duties, take and subscribe the following oath, to-wit: I, A. B., mayor (councilmen, clerk, marshal, policeman, treasurer as the case may be) do solemnly swear, that I will to the best of my skill and ability discharge all the duties incumbent on me without favor or affection, so help me God; which oath shall be administered by a justice of the peace, and a certificate of it filed with the records of the city. The mayor and councilmen shall continue in office twelve months from date of election and until their successors are qualified unless removed as hereinafter provided. If from any cause said election should not be held on the third Monday in December, the mayor shall as soon as practicable appoint another day for holding such election of which he shall give notice as hereinbefore prescribed, and cause such election to be held on such day appointed in every particular as herein prescribed.

Elections

Oath of office

SEC. 4. *Be it further enacted*, That the ballots cast at any election held under this act shall after being counted, be carefully sealed up by the mayor and councilmen and by them be deposited with the clerk in charge

Disposition  
of ballots

of the papers and records of said city, who shall preserve the same for twenty days after the result of said election is declared, and then, if there is no contest, the said clerk shall cause the same to be burned in the presence of himself and mayor, but in the event of a contest they shall be delivered to the court or judge trying the same.

Contests      SEC. 5. *Be it further enacted*, That any election held under this act may be contested in the same manner as is, or may be provided by the laws of the state for contesting the election of probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge shall as far as the same are, or may be applicable, apply to contests of any election held under this act.

One year in city      SEC. 6. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said city of Piedmont, who has not resided therein one year next preceding his election.

Vacancies      SEC. 7. *Be it further enacted*, That if the mayor or any councilman during his term of office, and after qualifying shall die, resign, remove from the corporation, refuse to act or be permanently disabled from acting, the remaining councilmen shall by ballot elect in his stead another mayor or councilman who shall have the qualifications prescribed by the sixth section of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified, and if any person elected mayor or councilman by the qualified voters of said city, at any election under this act shall refuse to qualify, the remaining councilmen shall by ballot elect in his stead, if mayor, one of their own body, if councilman, some person having the qualifications prescribed by the sixth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and qualified.

Qualifications      SEC. 8. *Be it further enacted*, That the councilmen shall be judges of the qualifications of the mayor, and the mayor and remaining councilmen shall be judges of the qualifications of a councilman.

Quorum      SEC. 9. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum

for the transaction of business. The mayor and councilmen shall fix their own sessions, and special meetings may be called by the mayor at any time, or by two Meetings of the councilmen. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from the city or state.

SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside and keep order at the meetings of the council, and hear and determine all cases of violation of all by-laws or ordinances or charter of said city, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said city, and to try, and convict and punish the same according to the laws and ordinances of the city, and he shall have authority while holding his court to punish any contempt of his court by fine and imprisonment, but the imprisonment shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars; and the mayor may compel the attendance of witnesses on his court by fining them not exceeding twenty-five dollars; to be enforced as other fines are enforced, if they fail to appear and testify before him after being duly served with a subpoena. The mayor shall, at least every four months, make a written statement to the council of the city's financial condition, which shall be published in some newspaper published in the city, or by posting in three or more public places in the city. The mayor shall do and perform such other duties as the council may prescribe, and before entering upon the duties of his office as mayor, shall give bond to be approved by a majority of the councilmen, in the sum of five hundred dollars, payable to the city of Piedmont, and conditioned for the faithful performance of his duties as mayor. Appeal from any decision of the mayor of Appeals said city may be had in the same manner as is, or may be, provided for taking appeals from a justice court. The mayor of the city of Piedmont is hereby invested and clothed with all the powers of a justice of the peace

under the laws of the State of Alabama, and authorized to receive the same fees, but he shall give bond and qualify as a justice of the peace before exercising any of the duties thereof. The mayor shall receive such salary as the council may prescribe.

Appointed officers SEC. 11. *Be it further enacted*, That the mayor and councilmen shall have power to elect a clerk, treasurer, assessor and collector of taxes, marshal, policemen and such other officers and agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the good government and welfare of the city; to prescribe their duties, liabilities and powers; to require of them bonds with such security and such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of such officers or agents, a majority of the councilmen concurring in such removal; and to fix and regulate from time to time the compensation of such officers or agents of the corporation. Such officers and agents of the corporation shall continue in office unless removed, until the next annual election for mayor and councilmen, and until their successors are qualified. All such officers as are or shall be required to give bond shall do so before entering upon the performance of their respective duties.

Duties of city clerk SEC. 12. *Be it further enacted*, That the city clerk shall keep a regular and complete record of the proceedings, orders, regulations and ordinances of the city, which shall be read to the council and signed by the mayor, and the same shall have the force and effect of a record, and the copy therefrom certified to by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open to inspection. The said clerk is hereby authorized to issue all executions, subpoenas and other process as may be necessary to enforce the collection of taxes, fines, forfeitures and other dues which may be owing to said city, or any account.

SEC. 13. *Be it further enacted*, That the mayor and councilmen of the city of Piedmont shall have full and complete powers: 1. To make and adopt by laws

and ordinances in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of said city as they may think proper; and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of power, to ordain and pass such ordinances and by-laws not inconsistent with the laws of the State of Alabama, as shall be needful for the government, public interest, welfare and good order of said city, and to affix thereto such penalties for violations of the same, by fine not exceeding one hundred dollars and by imprisonment or hard labor for the city not exceeding thirty days; and all persons convicted of any breach of by-laws or ordinances of said city, failing to pay or secure such fine, may be imprisoned on such failure, or placed at hard labor for the city until such fine and costs are paid in such manner as the council may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same; but if after such bond and security, such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligors in said bond. The council may pass all needful laws to compel persons to work in the streets or elsewhere in the city, who refuse to work when under the mayor's sentence, for violating any city ordinance. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said city, and all that could be passed under full and complete quarantine powers, and to preserve the health thereof. 3. To prevent and remove all nuisances at the expense of the person causing the same, or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous, or unfit for habitation at the expense of the owners of same, when they fail or refuse upon reasonable notice to remove or repair and renovate such houses and structures. 4. To establish, set up and regulate hospitals, poor houses, work houses

Powers of  
mayor &  
councilm

Powers of  
mayor and  
councilmen

and houses of correction. 5. To tax, license, regulate and restrain theatres, and other amusements; to prohibit the buying, selling, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, beverages or cordials within the corporate limits of said city or within its police jurisdiction, and said mayor and councilmen shall also have power and authority to pass all proper ordinances, for the punishment of public drunkenness, within the police jurisdiction of said city, and for the punishment of all violations of any law of the state, general or special, prohibiting the selling, giving away or otherwise disposing of any vinous, spirituous or malt liquors or intoxicating bitters, beverages or cordials, committed within the police jurisdiction of said city. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting and anything else hurtful to the good order and morals of society, and all violations of state laws, and gambling devices and implements shall be subject to seizure and forfeiture under such lawful rules and regulations as the council may prescribe when said implements and devices are brought to Piedmont or found there, to be used for purposes of gaming. 7. To appoint and regulate night and day watchmen. 8. To sink, repair, and regulate public wells and cisterns, to establish and regulate fire plugs and public hydrants and to make all needful provisions to supply the city with water, gas and gas-lights or other lights and to control street lamps. 9. To open, locate, establish, repair and regulate streets and alleys, and to change, alter, or abolish and vacate them or any part thereof, to establish pavements, sidewalks and curb and grade them and regulate the same and make all salutary laws with respect to the use of the streets, and sidewalks, and to this end is authorized to require each male inhabitant of said city between the ages of 18 and 45 years not physically disabled to perform labor upon said streets for a period of not more than ten days in each year; and may collect in lieu of such labor a street tax of not more than five dollars, and shall have full power and authority to require owners of real property situated



adjacent to the sidewalks in said city to build and keep the said sidewalks in repair in accordance with the ordinances of said city and shall have full power and authority to enact ordinances in reference thereto, providing for the building and repairing thereof, by the city, to be taxed against and collected out of such adjacent property on the failure of the owners to build and repair the same on notice from the city to do so.

10. To establish and build drains and sewers and reservoirs and to regulate the same, and compel owners of lots or real property to drain the same and ditch it at the expense of the owners; to drain and ditch the same when the owners thereof refuse or fail after ten days notice to drain and ditch it, and tax the expense of said ditching and draining against the property ditched and drained, which said tax shall be a lien on said property, to be enforced and collected as other taxes. Said drains and sewers may be extended beyond the limits of the city when necessary.

11. To establish, lay out, regulate and vacate public parks.

12. To establish, and regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may prevent the erection of wooden buildings, remove any wooden buildings or structures, paying the owners a reasonable price therefor; to require owners of all houses where the public assemble in mass, to provide said houses with fire escapes and suitable exits.

13. To lay out, regulate, and control cemetery, burial grounds, and to sell burial lots in same.

14. To prevent the running at large upon the streets all cows, dogs, hogs or other animals, and to pass all laws necessary for the sale and impounding of said animals, upon proper notice to owners thereof.

15. To regulate running of cars or locomotives on or across streets and alleys of said city, and to control the speed of such cars and locomotives in said city or and to regulate and control the running of street cars and the operation of telephone companies as to which shall place posts and other apparatus.

16. To enact the mayor necessary and proper laws for the arrest, and levy taxes on out a warrant, of all offenders against within said city nances or state laws, and to confine may be exempt from

Powers of  
mayor and  
councilmen

Taxes

Powers of  
mayor and  
councilmen

tried, convicted or discharged by law. 17. To pass laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. 18. To make and ordain all necessary laws concerning idlers, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious habits, and to compel such persons to give bond and security to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the city, for a limited time, not exceeding thirty days. 19. To punish all persons who obstruct the police or other officers or agent of said city, in the arrest of any person in the city, or in the lawful discharge of any duty about said city, and to punish any and all persons who, when called upon to aid in arresting any person, shall fail to give such aid. 20. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of gun powder or other dangerous material, guano or other commercial fertilizer within said city. To regulate and control the sweeping of chimneys, the use of lights, stovepipes and flues in all shops, stores, kitchens and other places, to cause the removal or pulling down of houses, to prevent the spreading of fire and to extinguish the same. 21. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares, to supply the city with pure water and for all other public municipal purposes proper, on making just compensation to owner of land condemned, and the general laws of the state applicable to *ad quod damnum* suits shall apply and be the remedy for such condemnation. To build drains and sewers, and to supply the city with water, may exercise the eminent domain power outside of the city limits when necessary. 22. To have and exercise full police powers in of said city, to prevent crime, and arrest offenders, to physically a rights of persons and property, to preserve for a period peace, and for this purpose may command and may collect from all persons or corporations car- authority to require

rying on any business, occupation, trade or profession by agent or otherwise within the limits of said city, a license tax on such business, occupation, trade or profession, which shall be fixed by ordinance from time to time and the amount regulated as the council may deem fit, and collected as other taxes, and may also by ordinance impose such fines and penalties as they may deem advisable for the doing of any business or the carrying on of any trade or occupation or the practicing of any profession by any party who shall fail to take out such license as may be required by ordinance.

24. To regulate and control the planting and removing of shade trees on the streets, alleys and public places of said city. 25. To organize, supervise, and maintain free public schools. 26. To issue the coupon bonds of the city of Piedmont to the amount of fifty-thousand dollars, bearing interest at the rate of six per cent per annum. Said bonds shall be of such denomination each not less than one hundred nor more than one thousand dollars as may be fixed by the mayor and councilmen, and shall mature twenty years after issuance, and be made payable at such place or places as the mayor and councilmen may designate, and the interest on said bonds shall be payable semi-annually. The mayor and councilmen of the city of Piedmont shall have authority to sell said bonds of the city or any part thereof; *Provided*, no sales shall net less than ninety-five per cent of their par value and the proceeds of such sales shall be applied to the construction and improvement of streets, alleys, sewers and public places of said city, and for the erection of public buildings and for the purchase of a cemetery.

SEC. 14. *Be it further enacted*, That the mayor and councilmen of said city of Piedmont are hereby empowered to do all things that may be necessary to carry out the powers hereby granted, and no technical informality, neglect or omission in the proceedings or record of said council shall in anywise affect said bonds.

SEC. 15. *Be it further enacted*, That the mayor and councilmen shall have authority to levy taxes on Taxes the real, personal, and mixed property within said city of Piedmont, except such as is or may be exempt from

May issue  
bonds

taxation under the laws of the state, on auction and sales of merchandse, on capital and labor employed in business in said city, or incomes of persons residing therein, on itinerant or transient merchants, on any business occupation trade or profession carried on in said city.

Rate of tax,  
etc

SEC. 16. *Be it further enacted*, That the said tax on real and personal estate shall not in any one year exceed one half of one per cent on the value of such property as assessed for state taxation during the preceding year, and shall be levied according to assessment made under such rules and regulations as the mayor and councilmen may adopt, and it shall be their duty to review, equalize and correct such assessment.

Collection of  
taxes

SEC. 17. *Be it further enacted*, That all taxes assessed or levied in pursuance of the authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property, of the party against whom assessed, within the corporate limits of said city. And the person appointed to collect such taxes must on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to owner unknown, by sale of the property. All such sales of property for the nonpayment of taxes must be after thirty days notice by advertisement in a newspaper published in said city. The person appointed to collect such taxes, shall make such sales under such rules and regulations as the council may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the council may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts stated therein; and also that the requirements of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with. The same rights of redemption are given as are provided for by the laws of the state.

Effect of this  
act

SEC. 18. *Be it further enacted*, That no prosecution, suit or claim whatever, pending, or to be brought under existing laws shall in any manner be affected or altered by this act, and all the existing ordinances

and by-laws of the town of Piedmont adopted in pursuance at its present charter and not in conflict with this act or with the constitution of the state shall be and remain in force as the ordinances and by-laws of the city of Piedmont until repealed or modified by the mayor and councilmen under this act. And the present intendant and councilors of the town of Piedmont shall exercise the powers conferred by this act upon the mayor and councilmen of said city of Piedmont until their successors shall be elected at the election of mayor and councilmen, to be held on the third Monday in December, and until their said successors shall have qualified as provided by the provisions of this act.

SEC. 19. *Be it further enacted*, That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 2, 1891.

132]

AN ACT

[H. 314

To establish the Cleveland School District in Blount county.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That the following described territory situated in the county of Blount, shall constitute a separate school district, to be known as the Cleveland School District, to-wit: beginning where the meridian line crosses the Warrior; thence down said river to the mouth of Dry creek; thence up said creek to the meridian line; thence east of the meridian, including sections nineteen (19) twenty (20) and the west half of sections sixteen (16) and all of sections seventeen (17) eighteen (18) seven (7) eight (8) and all of that part of section six south of the Warrior river; thence down said river to the place of beginning. School district

SEC. 2. *Be it further enacted*, That said district shall receive its *pro rata* of all public school revenues, and shall be managed and controlled as prescribed by law for other school districts in said county. Revenues

When takes effect      SEC. 3. *Be it further enacted*, That this act shall not take effect until the first day of October, 1891.  
Approved February 2, 1891.

133]

AN ACT

[H. 605

An act to reimburse the Sheriff of Hale county, for the extradition of Tom Walker.

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of five hundred dollars is hereby appropriated and directed to be paid C. C. Gewin the sheriff of Hale county, for the extradition and removal of Tom Walker.

Approved February 2, 1891.

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AN ACT

[H. 315

To incorporate Union Springs Male and Female Institute.

Incorporated

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Thomas A. Crovin and his wife, Fannie E. Crovin, of the town of Union Springs, Alabama, be and they are hereby created a corporate sole and body politic, with power of succession to continue for the period of fifty years, and that the successors of the said T. A. Crovin and F. E. Crovin shall have all the corporate powers and privileges herein conferred upon them.

Name, powers, etc

SEC. 2. *Be it further enacted*, That the name of said corporation shall be Union Springs Male and Female Institute, and its domicile and place of business shall be in said town of Union Springs; and that the said incorporators and their successors shall have power, under and by said corporate name, to organize, maintain and carry on in the town of Union Springs an institute for the education of boys, girls, young men and young ladies, and to confer literary degrees, and grant



diplomas to all persons who shall complete the course of which shall be adopted by said institute, and do and study, perform all other acts and things which are or may be necessary and proper for carrying out the purposes of a regular college.

SEC. 3. *Be it further enacted*, That the said T. A. Crovin and F. E. Crovin and their successors are here-<sup>Faculty</sup> by empowered to organize and employ a regular faculty of teachers in said institute and to maintain the same, and the incorporators, T. A. Crovin, or his successors are hereby made the principal of said institute, and the president of its faculty; and no literary degree shall be conferred nor any diploma granted without the consent of a majority of said faculty as constituted at the time said degree shall be conferred or said diploma shall be granted.

SEC. 4. *Be it further enacted*, That the said T. A. Crovin and F. E. Crovin shall have power under said<sup>Powers</sup> corporate name to organize, have, own, receive and possess, by gift, grant, purchase, devise, bequest or otherwise, real and personal property to the extent of the value of fifty thousand dollars, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 2, 1891.

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AN ACT

[H. 358

To Incorporate Brewton Collegiate Institute.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a graded school for literary, scientific and practical business education be and the same is hereby established in the town of Brewton, to be known as Brewton Collegiate Institute.

SEC. 2. *Be it further enacted*, That C. L. Sowell, H. T. Parker, James M. Davidson, Norval R. Leigh, Andrew Harrold, T. M. Miller, C. F. Rankin, E. M. Love-<sup>Incorporated</sup>

lace and D. W. Backshear, the board of directors of Brewton Institute as incorporated under the general laws of Alabama, and their successors in office, be and they are hereby created a body corporate and politic.

## Powers

SEC. 3. *Be it further enacted*, That the name of said corporation shall be Brewton Collegiate Institute, and its domicile shall be Brewton, Alabama, and under said name shall have power to sue and be sued, in law or equity, contract and be contracted with, to buy, sell, mortgage and convey property, to receive gifts, donations and subscriptions of money or property in its corporate name; to borrow money, and generally to do all things proper to be done; to enlarge, regulate and maintain an institution of learning and training for boys and girls and young men and young ladies, and to confer degrees, and grant diplomas and certificates of proficiency to all students who shall complete courses of study prescribed by the board of trustees therefor.

## Trustees

SEC. 4. *Be it further enacted*, That the management of said corporation shall be by a board of nine trustees, elected from their number annually by the stockholders thereof at a time to be fixed by the by-laws, and said board, at its first meeting, shall elect a president and a secretary and treasurer for said board, who, together with the board electing them, shall hold office for the term of one year, and until their successors are elected. Any vacancy in said board, occurring by death or resignation, may be filled by the remaining members at any called or regular meeting.

## By-Laws, etc

SEC. 5. *Be it further enacted*, That said corporation, by its board of trustees, shall have power to pass such by-laws as may be necessary and appropriate for the regulation of the business of the corporation not inconsistent with the provisions of this act, and the board of directors who are now holding office and controlling said corporation, including the president and secretary and treasurer now in office, shall constitute the board of trustees provided in this act until their successors shall be elected in accordance with by-laws enacted under the provisions of this act.

## Trustees and faculty

SEC. 6. *Be it further enacted*, That the board of trustees herein provided are empowered to employ a regular faculty of teachers, maintain the same, pre-

scribe courses of study, and fix the rates of tuition. No degree shall be conferred without the signature of all the faculty, and no diploma, or certificate of proficiency, shall be valid without the signature of that member of the faculty in charge of the branch or branches of study for which the diploma or certificate is given; and neither shall be valid unless countersigned by the president of the faculty and board of trustees.

SEC. 7. *Be it further enacted*, That all contracts in writing made by said corporation shall be signed by the president of the board of trustees, and countersigned by the secretary and treasurer, and the offices of secretary and treasurer may be held by the same person, and he shall be paid such salary as the board of trustees may fix; and shall give bond for the faithful performance of the duties prescribed in this act, and the by-laws made in pursuance thereof. Duties of officers

SEC. 8. *Be it further enacted*, That this act shall not take effect until the board of directors of Brewton Institute shall accept it as the charter of said corporation, which acceptance shall be spread on the minutes of the board of trustees. When act takes effect

Approved February 2, 1891.

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AN ACT

[H. 104

To authorize the Court of County Commissioners of Fayette county to issue the bonds of said county for an amount not exceeding twenty thousand dollars for the purpose of building a court house and jail in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the county of Fayette, State of Alabama, be and they are hereby authorized and empowered to issue the bonds of the said county of Fayette, to an amount not exceeding twenty thousand dollars, or so much thereof as said court may deem necessary, for the purpose of building a court house and jail in said county. Authority to issue bonds

SEC. 2. *Be it further enacted*, That the bonds provided for in this act shall be in sums of one hundred Kind of bonds

dollars each, and shall be due twenty years after the date thereof, subject to redemption at the option of the court of county commissioners, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, payable annually on the first day of January of each year. Each bond must be signed by the probate judge and countersigned by the treasurer of said county, and sealed with the seal of the probate judge, and the county treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Duties of  
commission-  
ers and  
county  
treasurer

SEC. 3. *Be it further enacted*, That the court of county commissioners of said county are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than one hundred per cent. of their face value, exclusive of the interest thereon, the amount received for said bonds to be paid into the treasury of the county, to be used for the exclusive purpose of erecting a court house and jail in and for said county, and the county treasurer shall be responsible for the safe keeping of all the proceeds arising from the sale of said bonds, and there shall be a commission of two per cent. paid said county treasurer for disbursing the funds arising from the sale of the bonds in this act.

Special tax

SEC. 4. *Be it further enacted*, That in order to pay the interest and principal of the bonds issued by authority of this act, the said court of county commissioners are hereby authorized to levy a special and requisite tax upon all property subject to a state tax under the revenue laws of the state, situated or located within the limits of the county of Fayette.

Sinking fund

SEC. 5. *Be it further enacted*, That it shall be the duty of the court of county commissioners to set aside out of the current collections of taxes for each year, an amount of money equal to one twentieth of the face value of said bonds, to be used for the payment of said bonds, and said fund shall be known as a sinking fund, which the county treasurer shall be authorized to invest annually in said bonds at the face value thereof with the accrued interest thereon.

Duty of

SEC. 6. *Be it further enacted*, That the said court comm'rs of county commissioners of Fayette county are hereby

authorized to do any and all things necessary to carry out the powers herein granted, either through themselves or by any agent or agents, and no technical informality or irregularity in the proceedings of said court shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 7. *Be it further enacted*, That the bonds and coupons thereof herein authorized to be issued, shall, as they mature and become payable, be received for all county taxes in said county of Fayette. Receivable  
for county  
taxes

Approved February 2, 1891.

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AN ACT

[H. 348

To repeal an act entitled "An act to prohibit the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors or other intoxicating drinks, or fruits preserved in alcoholic liquors within the corporate limits of the town of Moulton in Lawrence county, or within five miles thereof, and other places therein named," approved February 28, 1889, so far as the same relates to the corporate limits of Moulton, Lawrence county, or within five miles thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to prohibit the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or fruits preserved in alcoholic liquors, within the corporate limits of the town of Moulton in Lawrence county, or within five miles thereof, and other places named therein," approved February 28, 1889, be and the same is hereby repealed so far as the same relates to the corporate limits of the town of Moulton in Lawrence county, or within five miles thereof. Repeal of  
prohibition  
act, as to  
Moulton

SEC. 2. *Be it further enacted*, That this act shall go in effect on January 1, 1891.

Approved February 2, 1891.

To amend section 4592 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4592 of the Code be amended so as to read as follows: 4592. Appointment of county inspector:—The court of county commissioners or board of county revenue of each county, the convicts of which are hired within the county, and not engaged in mining, shall designate one of their number, or some other suitable person, to visit and inspect such convicts once a month. He shall make monthly reports of the treatment of such convicts to the president of the board of inspectors, and shall receive such compensation, to be paid out of the county treasury, as may be allowed by the court of county commissioners or board of revenue.

Approved February 3, 1891.

To incorporate the City of Ozark, in the county of Dale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the City of Ozark in the county of Dale, be and the same is hereby incorporated under and by the name of the City of Ozark; and its corporate limits shall extend, one mile in every direction from the center of the court house therein.

SEC. 2. *Be it further enacted,* That the officers of said city shall be composed of one mayor, five aldermen, one marshal and one clerk who shall also be the treasurer of said city, all of whom shall have been residents, householders or freeholders of said city, for twelve months next before their election to the respective offices named.

SEC. 3. *Be it further enacted,* That the officers named in section two of this act, shall be elected by the qualified electors of said city on the first Tuesday in April, in the year 1891, and every two years there-



after, one alderman to be elected for each of the wards of said city hereinafter provided for, and each alderman to be a resident citizen of the ward for which he is elected.

SEC. 4. *Be it further enacted*, That the mayor and the councilmen now in office in said city, shall, <sup>Five wards</sup> between the first day of February and the first day of March, 1891, proceed to lay off and divide the territory within the corporate limits of said city, into five wards, containing as near as may be an equal number of inhabitants; *Provided*, That the mayor and aldermen provided for in this act, may change said wards at any time in the future, whenever they may deem such change to be necessary to equalize the inhabitants of such wards, or for other purposes in the interest of said city, the mayor and aldermen to be the judges of such necessity; *Provided*, That no change in such wards shall be made unless notice of such proposed change shall be first given by posting notice in writing at the court-house and at three other public places in said city, one of which shall be at or near the post-office and another in the vicinity of the ward or wards to be affected by such change. The wards in said city shall be numbered from one to five inclusive, *And provided further*, That no change shall be within six months next preceding any municipal election for officers.

SEC. 5. *Be it further enacted*, That for the purpose of carrying out the purposes and intents of this act, it shall be the duty of the present mayor and councilmen of said city, to give at least ten days notice of the election provided for in section three of this act by publication in a newspaper published in said city, and by posting written notice at the court-house door and at three other public places in said city, naming the day and the place for such election. It shall also be their duty to appoint three managers or inspectors of such <sup>Notice of election</sup> election, who shall have the power to select two clerks <sup>Managers</sup> to assist them in holding and managing such election; after the first election provided for in this act, it shall be the duty of mayor and aldermen of said city, to comply in all respects with the provisions of this section, in relation to election of officers of said city in

the matters of notices of elections and the appointment of inspectors therefor.

Duties of  
inspectors

SEC. 6. *Be it further enacted*, That the inspectors and clerks of such election, before proceeding to open the polls therefor, shall take the oath prescribed for inspectors and clerks of elections for state and county officers in this state. Such inspectors shall open the polls therefor at nine o'clock in the morning and close them at five o'clock in the evening, and they shall in opening such elections, managing and conducting the same, and in closing the same, and in certifying and making return thereof to the mayor as hereinafter provided, be governed by the laws of force at the time regulating state and county elections. The oath to be taken by the inspectors and clerks of elections, may be administered by the mayor or any justice of the peace or by the inspectors to each other and to the clerks.

Election re-  
turns

SEC. 7. *Be it further enacted*, That immediately upon the closing of any election in said city for officers thereof, it shall be the duty of the inspectors and clerks in the usual manner, to certify and make return thereof under seal, that is closed up and sealed, to the mayor of said city, within two days thereafter, that is before six o'clock p. m. on Thursday following.

Duties of  
mayor and  
aldermen

SEC. 8. *Be it further enacted*, That it shall be the duty of the mayor and councilmen at the first election held under this act, and of the mayor and aldermen at each subsequent election, to meet at the mayor's office on Saturday at nine o'clock a. m., after each such election, and open and compare the returns, and ascertain and declare the result of such election, and make a record of the result of such election.

Ties

SEC. 9. *Be it further enacted*, That should two or more competing candidates for the office of mayor receive an equal number of votes the aldermen chosen at the same election, shall determine which of such candidates so receiving an equal number of votes shall be mayor; and should any two or more candidates for alderman receive an equal number of votes at any election the mayor elected at that election shall decide and declare which of said candidates so receiving an equal number of votes shall be alderman or aldermen,

and should any two or more candidates for the office of marshal or of clerk of said city receive an equal number of votes the aldermen elected at that election shall determine and declare which of such candidates receiving an equal number of votes for marshal or for clerk shall be the marshal or clerk, as the case may be; *Provided*, that in determining the question of a tie, as to any of the offices of said city there shall in each case be a record made of such determination.

SEC. 10. *Be it further enacted*, That the election of any person declared to be elected to any one of the offices in said city, may be contested by any qualified elector of said city, for any one or more of the following causes: 1st. Malconduct, fraud or corruption on the part of any inspector, clerk, returning officer or the mayor, and aldermen supervising and ascertaining the result of any election. 2d. When the person whose election is contested was not eligible to the office to which he is declared to have been elected at the time of such election. 3d. On account of illegal votes. 4th. Intimidation, bribery, violence or abuse, calculated to prevent a fair and free exercise of the elective franchise.

Contests ;  
causes for

SEC. 11. *Be it further enacted*, That any person desiring to contest the election of any person or persons, declared to be elected to any of the offices of said city, must within ten days after such person or persons are declared to be elected, present a statement of the grounds of contest in writing and verified by his oath that it is true, to the judge of probate of Dale county, and also lodge with such judge surety for the costs of the contest, which shall be taxed against him and his sureties in case he shall be cast in the contest, the judge of probate upon the presentation of such statement for contest must appoint a day, not less than fifteen nor more than twenty days from the time of such presentation for the trial of the matter of such contest, and he must endorse the same upon such statement, the surety for costs must be approved by the judge of probate, but he must not require the surety for cost to be for a sum greater than three hundred dollars.

Proceedings  
in contests

SEC. 12. *Be it further enacted*, That a copy of the statement for contest provided for in the preceding

Notice of  
contest

section with the day for trial endorsed thereon, shall be served on the person whose election is contested, or left at his usual place of residence, at least ten days before the day set for trial.

Witnesses

SEC. 13. *Be it further enacted*, That either party shall have subpoenas to be issued by the judge of probate, to compel witnesses to attend and give evidence in the matter of such contest, and the judge of probate before whom such contest is pending shall have the same power to compel the attendance of witnesses for either party to said contest as he has in other causes pending before him or in the probate court of which he is the judge.

Testimony  
by deposition

SEC. 14. *Be it further enacted*, That testimony in said contest may be taken by depositions upon interrogatories filed as in other cases in the probate court, the adverse party to be served with a copy of such interrogatories five days before the issuance of a commission, so that he may cross them if he sees proper, but if he is not in the city at the time of the filing of such interrogatories it will be sufficient to endorse that fact upon the interrogatories at the time of filing and there let them remain on file for five days before the appointment of a commissioner, and the issuance of a commission. The witnesses and commissioner in such contest shall be entitled to the same fees as in other cases in the probate court. The court may for good cause continue the cause to some other day, not more than twenty days, but no such case shall be continued more than twice at the instance of the same party.

Duties of  
judge of  
probate

SEC. 15. *Be it further enacted*, That the judge of probate in the trial of such contests, may examine the ballots and poll lists given and kept at such election, so far as may be necessary to enable him to arrive at a correct understanding of them, and he must be governed in the trial and determination of such contest by the rules of law and evidence, governing the determination of questions of law and fact in the courts of law in this state, so far as the same are applicable, and after hearing the evidence and the argument of counsel, if any, must give judgment either confirming or annulling such election altogether or declaring some other person elected than the one whose election is contested.

SEC. 16. *Be it further enacted*, That if it appear to such judge upon the trial of such contest, that two or more persons have received for any one office an equal number of legal votes the trial must be temporarily adjourned and such result certified to the mayor and aldermen elect whose duty will be to determine the question of the tie under the provision in this act hereinbefore prescribed. In case of tie

SEC. 17. *Be it further enacted*, That when the person whose election is contested, is proved to be ineligible to the office, judgment must be rendered declaring the election void as to such person, and the person having the next highest number of legal votes shall be declared to be duly elected to such office. Declaration of result

SEC. 18. *Be it further enacted*, That when the election is declared void, or when any other person than the one whose election is contested, is declared elected, the party contesting recovers of the person whose election is contested all costs for which execution may issue, returnable to any regular term of the court within three months next after its issuance. Costs]

SEC. 19. *Be it further enacted*, That in all cases in which the contesting party is defeated, the party whose election was contested, recovers of the contesting party all the costs for which execution against him and his sureties may issue returnable as provided in the preceding section.

SEC. 20. *Be it further enacted*, That either of the parties to such contest feeling aggrieved by the judgment of the judge of probate, may appeal the cause to the circuit court of the county of Dale by complying with laws regulating appeals from the probate to the circuit court. Appeals

SEC. 21. *Be it further enacted*, That if upon any contest of election of any officer or officers of said city the election should be declared annulled altogether by the probate court or the circuit court and no appeal should be taken from the judgment of such court annulling such election, it shall be the duty of mayor and councilmen or the mayor and aldermen, as the case may be, who were in office at and before such election, to order a new election for officers of said city upon such day not more than thirty days after the If election declared annulled

judgment annulling the election which has been contested, as they may select, such election to be had, managed and controlled, return made, results ascertained and declared as hereinbefore provided.

Officers hold until successors qualify  
 SEC. 22. *Be it further enacted*, That the mayor and councilmen now in office in said city and also the marshal and clerk now in office shall continue to exercise the duties and functions of their respective offices until their successors shall be elected and qualified under this act, and in all cases following, the mayor, aldermen, marshal and clerk shall hold their offices until their successors are elected and qualified.

Eligible to office, etc  
 SEC. 23. *Be it further enacted*, That no person shall be eligible to hold any office in said city who has not been a resident citizen thereof for at least twelve months, and no elector shall be permitted to vote at any election in said city who has not been a resident citizen of the State of Alabama for twelve months and of said city for thirty days next before he offers to vote.

Vacancies  
 SEC. 24. *Be it further enacted*, That if a vacancy shall occur in any of the offices in said city by death, resignation or otherwise, it shall be the duty of the mayor and aldermen, or of a quorum of the aldermen, within ten days thereafter to order an election to fill such vacancy, which shall be held in all respects as other elections in said city, and after the like notice, as in other elections

Temporary marshal  
 SEC. 25. *Be it further enacted*, That if the office of marshal shall become vacant, the mayor and aldermen shall have the right, and it is made their duty pending an election to fill such vacancy, to make a temporary appointment of a marshal to fill such vacancy, who shall serve until the election and qualification of a marshal as herein provided.

Oath of office  
 SEC. 26. *Be it further enacted*, That before any of the officers of said city shall enter upon the discharge of their duties as such, they and each of them shall make and subscribe the oath in writing prescribed to be taken by the officers of the State of Alabama, and the marshal and clerk, before entering upon their duties, shall each give bond and good security, for the faithful performance of their respective duties, to be in such sums and with such conditions as may be pre-

Official bond



scribed by the ordinances of said city, such bonds to be approved by the mayor.

SEC. 27. *Be it further enacted*, That as many as Quorum three members of the board of aldermen shall be necessary to constitute a quorum to do business, and such three aldermen may do any business of the city in the absence of the mayor.

SEC. 28. *Be it further enacted*, That the mayor and aldermen and their successors in office are hereby Name, rights, etc constituted and declared a body corporate, to be known and recognized by the name and style of "The City of Ozark," and by that name they may sue and be sued, plead and be impleaded, in all the courts of law and equity in this state, and shall be capable of purchasing, holding and conveying, for and on accounts of said city and for the benefit thereof, real and personal property not to exceed in value the sum of one hundred thousand dollars.

SEC. 29. *Be it further enacted*, That the mayor and aldermen of said city, acting for and on behalf of the same, shall have power and authority to ordain, Powers of mayor and aldermen pass and adopt all such ordinances, by-laws and resolutions, and make all such regulations, not in conflict with this act, nor with the constitution of the State of Alabama, as may be deemed by them necessary for the good government of said city; such ordinances, by-laws, resolutions and regulations may extend to provide for the preservation of health; to prevent and remove nuisances of whatever kind; to license and restrain theatrical amusements, museums and shows of whatsoever kind within the corporate limits of said city; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults, assaults and batteries, affrays, houses of ill fame, and disorderly conduct of any kind whatsoever; to restrain and tax and license the sale of vinous or spirituous liquors, whether by retail or wholesale, within the corporate limits of said city; to restrain, regulate, tax and license ten-pin alleys, billiard tables, pool tables or any device which may be substituted, or any mode of gaming, gambling or chance-taking; to regulate markets, and to establish the same if necessary; to establish a city prison; to sink and repair public wells, and to make all needful pro-

visions, extending to the erection and construction of waterworks for furnishing said city with water; to keep in repair all necessary streets, alleys and drains, and to adopt regulations and ordinances necessary for the same; to levy and collect taxes upon all the property in said city, not exempt from taxation by the laws of the state, not to exceed one-half of one per cent. upon the value thereof; to tax and license all auctioneers, whether residents or transients, and to tax and license all transient dealers in property, goods, wares or merchandise within the corporate limits of said city.

Assessment  
of taxes

SEC. 30. *Be it further enacted*, That the mayor and aldermen under such ordinances as they may adopt, shall have the power to have an annual assessment of taxes upon the property in said city to be made, the same to be done between the first day of October and the first day of January of the following year, and when such assessment shall be made, it shall be examined and corrected by the mayor and aldermen between the first and fifteenth days of January, such examination and correction not to begin until the tenth day of January. The time elapsing between the first and tenth days of January shall be allowed to any taxpayer to examine his tax lists, and call attention to any error which he may think to exist in the assessment against his property, such error if it be found to exist to be corrected by the mayor and aldermen when they shall examine the assessment lists as hereinbefore provided.

Collection of  
taxes

SEC. 31. *Be it further enacted*, That the taxes assessed against the property in said city shall be due and payable on the first day in February, and if they shall not be paid upon demand made by the first day of March, each tax-payer so failing to pay his tax shall be a defaulter, and his failure to pay his tax shall be reported to the mayor, whose duty it shall be to endorse upon his tax lists the fact that he has failed to pay his tax, that he is a defaulter, and an order to the marshal to levy upon his personal property if he has any, and if he has none, then upon his real estate for the satisfaction of the taxes, and such list with such endorsement thereon shall be held and treated as an execution and shall be by such marshal levied accord-

ing to the direction thereon endorsed, upon the property of the tax-payer, and it shall then be the duty of such marshal to advertise such property, whether real or personal, for sale, by giving three weeks notice in a newspaper, published in said city, and by posting written notice at the court house door, and at three other public places in said city giving the time and place of the sale, and description of the property to be sold, and why sold; and upon the day of sale, it shall be the duty of the marshal between the hours of eleven in the forenoon, and four in the afternoon, to sell so much of the property of such defaulting tax-payer at public auction, to the highest bidder, for cash, as may be necessary to pay the taxes due by him, and all the costs and charges incident to such sale. If the property so sold be real property, such time for its redemption not to exceed two years nor to be less than one year shall be allowed as may be provided by the ordinance of said city, and when the time for redemption has elapsed such real estate shall be conveyed to the purchaser thereof, by the mayor by deed of conveyance similar in all substantial respects to a deed made by a judge of probate to real estate sold for taxes due the State of Alabama; *Provided*, That when real estate is sold for taxes the marshal shall furnish the purchaser thereof, upon payment of the purchase money, a certificate of purchase, similar to tax collector's certificate of purchase, such certificate to be signed by the marshal and countersigned by the mayor.

Collection  
of taxes

SEC. 32. *Be it further enacted*, That the marshal may at any time be removed from office, by the mayor and aldermen by a two-thirds vote, and they may then supply his place by a temporary appointment, to hold good until another marshal shall be elected as hereinbefore provided.

Removal  
from office

SEC. 33. *Be it further enacted*, That the assessment of taxes hereinbefore provided for, shall be made either by the clerk of said city or by a tax assessor to be by the mayor and aldermen elected as they may determine, and such taxes shall be collected by the clerk or the marshal, as may be determined by the mayor and aldermen.

Assessing  
and collecting

Fire limits

SEC. 34. *Be it further enacted*, That the mayor and aldermen shall have power to establish limits in said city, to be known as fire limits, and to prohibit and prevent the erection and construction therein of all kinds of wooden, or other buildings or structures, except those erected or built of stone, brick, or other safe or fire-proof building material, and shall have power to fix and prescribe such fines and penalties as they may deem necessary to carry into effect the provision of this section, and they shall have power to collect such fines and in the same manner as other fines and penalties are collected.

Removal of buildings

SEC. 35. *Be it further enacted*, That the mayor and aldermen shall have power to remove from within the "fire limits" all unsafe structures and buildings of every kind which are dangerous to the property of the citizens, when in their judgment it is best for the interests of said city; *Provided*, just and reasonable compensation shall be allowed and paid the owner for the damage actually done him, but this provision shall not apply to the removal of any structures or building which may be erected after such "fire limits" are prescribed by the mayor and aldermen under the provisions of this act.

To prevent stock running at large

SEC. 36. *Be it further enacted*, That the mayor and aldermen shall have power to make and ordain all such laws and regulations as may be deemed necessary to prevent horses, mules, cattle, hogs, sheep and goats from running at large within the corporate limits of said city, and to this end they may prescribe such penalties for a violation of the laws and regulations they may adopt, as in their judgment may be necessary to prevent such freedom to the stock classified, and they shall have the power if such fines and penalties as they may prescribe for allowing stock to run at large in said city, are not presently paid, to provide for the sale of the stock so permitted to run at large for the payment of the same; *Provided*, That no stock shall be sold under the provisions of this section, or the ordinances and laws made in pursuance hereof, until the owner of such stock shall be notified personally of the time and place of sale, if he be in the city, or such notice in writing be left at his place of residence, if he

be not in the city one or the other as the case may be, at least one day before the sale, and if the owner be not known or can not be ascertained by reasonable inquiry, then before a sale of stock shall be made, it shall be the duty of the marshal, to give written notice of such sale by posting at the court-house door, and at three other public places in said city at least five days before such sale, which notice shall contain a description of the stock by ear and flesh marks, and also name the time and place.

SEC. 37. *Be it further enacted*, That the mayor and aldermen shall have power to make all such laws and ordinances as may be necessary to cause all vagrants, idle, disorderly or dangerous or suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are found begging or drunk, in and about the streets, and who have no visible or honest employment in the city, all who have no fixed place of residence and cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly, and all prostitutes, to give bond and good security for their good behavior for a reasonable time, and in case of their inability or refusal to give such security, to cause them to be punished by fine, imprisonment or hard labor for the city for a term to be fixed by ordinance of said board of mayor and aldermen.

Powers of  
mayor and  
aldermen

SEC. 38. *Be it further enacted*, That the mayor and aldermen shall have power to regulate, restrain and license transient merchants or dealers, peddlers, vendors of patent medicines, paints, soaps and other merchandise, and to prescribe such penalties for doing such business without a license, as in their judgment will prevent the same.

License

SEC. 39. *Be it further enacted*, That the mayor and aldermen at their discretion may exempt all persons residing within the corporation from working on the streets or public roads in said city, and may require such persons in said city who are liable to road duty to pay a road tax each not exceeding ten dollars, and they are authorized to levy and collect such road tax annually, at the same time and under

Road tax

the same laws and regulations as under this act control and govern the assessment and collection of other taxes.

Working on streets and roads  
 SEC. 40. *Be it further enacted*, That if the mayor and aldermen fail to exempt the persons in said city, liable to road duty under the provisions of the preceding section, then it shall be their duty to appoint overseers of the public streets, alleys, and public roads in said city, and shall require and regulate the working on the same by all the persons living in the city liable to road duty for a time or times not exceeding ten days in each road year, the same to begin on the first day of March, and end on the last day of February in the following year.

Road limits  
 SEC. 41. *Be it further enacted*, That no person residing in such city, shall be required to work on any public road. The road limits of said city shall extend two miles in every direction from the court-house in said city.

Water works  
 SEC. 42. *Be it further enacted*, That the mayor and aldermen shall have power to construct waterworks in said city to be used by the city in such manner and for such public purposes as they may deem to be for the benefit of its citizens, and they shall have power to make all such contracts in the purchase of machinery and material, and in procuring the necessary work to be done and securing the right of water and the right of way, when the same may be necessary as may by them be deemed necessary and proper in the construction of such waterworks; they shall also have the right and power to furnish water to persons residing in said city for private uses, under such rules and regulations, and for such remuneration to the city as may be ordained and prescribed by the mayor and aldermen.

Lights  
 SEC. 43. *Be it further enacted*, That the mayor and aldermen shall have the authority and power to erect and construct gas works, or electric lights in said city for the purpose of lighting up the city and also for the purpose of furnishing the residents of said city, for private uses, or they may adopt any other method of lighting the city which to them may seem right and proper, and to this end they shall have same rights and powers in all respects as are conferred upon them



in the preceding section, in the matter of erecting and constructing water works.

SEC. 44. *Be it further enacted*, That the mayor and aldermen in ordaining, making, adopting, and establishing the ordinances, laws, regulations and resolutions for the administration of justice in said city, and to carry out the provisions of this act in preserving the good order, peace and quiet of said city, shall have the power to fix and prescribe the fine and imprisonment or hard labor for the city, one or two of the punishments named, as the case may be, upon persons guilty of violating any of the laws of the city, the fine not to exceed in any case the sum of two hundred dollars, and the imprisonment or hard labor for the city not to exceed in any case the period of two months.

Fines or hard  
labor

SEC. 45. *Be it further enacted*, That the mayor or any alderman who may try the cause, as the case may be, shall have the power, when a fine is imposed upon any one for a violation of an ordinance of said city, and is not presently paid or secured, as may be required, to sentence such person to imprisonment in the city prison, or to hard labor for the city, and in imposing such imprisonment or hard labor, the mayor or alderman, as the case may be, shall be governed as to time of imprisonment or hard labor by the law regulating a sentence to imprisonment or hard labor, of a defendant who has failed to pay or secure his fine, when convicted under the state law.

Sentence

SEC. 46. *Be it further enacted*, That when any fine is imposed upon any person for a violation of any law of said city, the person against whom it is adjudged shall be permitted to secure the same by the confession of judgment of himself and good and sufficient surety, as in cases in the circuit or county courts of this state, and if such fine is not paid within ten days it shall be the duty of the mayor to issue execution upon such judgment against all the parties to such judgment and deliver the same to the marshal, who shall have same rights and powers to collect such execution as is conferred by the laws of Alabama upon sheriffs in like cases; and it shall be his duty to collect such fine under such execution as soon as practicable.

Collection of  
fine

SEC. 47. *Be it further enacted*, That it shall be the

- Duties of mayor duty of the mayor to attend and preside at all meetings of the aldermen, to keep order, put questions and take votes, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said city, and to try, convict and punish any and every person who shall be by him found to be guilty of any violation of the ordinances or laws of said city, and he shall have the same power and jurisdiction of a justice of the peace over all violations of the state law committed in said corporation, and may convict when a justice of the peace might do so, or hold to bail, as the case may be, and his fees shall be the same in all cases, either for a violation of the city or a state law, as those of a justice of the peace for the like service, to be taxed and collected from the defendant upon conviction.
- Fees
- Acting mayor SEC. 48. *Be it further enacted*, That in the absence of the mayor or his disqualification to act, the same rights and powers are hereby conferred upon any alderman in said city as are conferred by the preceding section upon the mayor.
- Powers of clerk SEC. 49. *Be it further enacted*, That the clerk of said city is hereby authorized and empowered to issue all such executions, and other process as may be necessary to enforce the collection of all taxes, fines, forfeitures and other dues which may be owing to said city, on any account whatever.
- Authority of marshal SEC. 50. *Be it further enacted*, That the marshal of said city shall have authority without warrant to arrest all persons breaking the peace in said city, or violating any of its ordinances or laws, and to bring them before the mayor, or alderman in the absence or disqualification of the mayor; to execute by levy and sale if necessary all process issued by the clerk, for the collection of taxes, fines, forfeitures and other dues, and to discharge all such other duties as may be required of him by the laws and ordinances of said city.
- Duties of appointed officers SEC. 51. *Be it further enacted*, That the mayor and aldermen may by ordinance prescribe all such duties not inconsistent with the provisions of this act, as may be required of each of the officers of said city.
- Fees of marshal SEC. 52. *Be it further enacted*, That the marshal shall have two dollars for each arrest made by him

when the party is convicted, to be taxed against the defendant upon conviction, and he shall have such salary not to exceed three hundred dollars per annum, as may be fixed by the mayor and aldermen.

SEC. 53. *Be it further enacted*, That the clerk shall have such pay for his services, not to exceed four hundred dollars per annum, as may be prescribed by the mayor and aldermen. Pay of clerk

SEC. 54. *Be it further enacted*, That all the ordinances and laws now of force in said city, except the act of incorporation and the amendments thereto, not inconsistent with the provisions of this act, shall remain and continue to be of force, until repealed by the mayor and aldermen. Laws, etc., continued in force

SEC. 55. *Be it further enacted*, That no ordinance or law of said city created by the mayor and aldermen thereof shall go into effect and be operative until due notice thereof shall have been given for ten days by posting near the postoffice and at the court house door in said city written or printed copies of such laws and ordinances. Ten days notice

SEC. 56. *Be it further enacted*, That the powers and authority conferred by this act upon the mayor and aldermen of said city, to be hereafter elected, are in all things and in all respects conferred upon the present mayor and councilmen of said city. Act applicable to present officers

SEC. 57. *Be it further enacted*, That all assessments of taxes which have been made in said city under its present charter shall remain valid, and be collected as provided by the laws of force in said city at the time of such collection. Assessments of taxes

SEC. 58. *Be it further enacted*, That the mayor and aldermen shall have the power to employ such police force as may be necessary to carry into full force and effect the laws and ordinances of said city, and to preserve the good order, peace and quiet of said city. Police

SEC. 59. *Be it further enacted*, That the mayor and aldermen shall have the right and power to elect a solicitor to prosecute all causes for violations of the city ordinances, and to prescribe his fees therefor, which shall not exceed five dollars for each defendant convicted, which shall be taxed against the defendant and collected as other costs. Solicitor

Mayor

SEC. 60. *Be it further enacted*, That the mayor shall have a salary for the services performed by him, amount of which shall be prescribed by the aldermen, and paid out of the city treasury quarterly, upon a warrant signed by the alderman of ward number one and countersigned by the secretary; *Provided*, such salary shall not exceed two hundred dollars, and all the fees allowed the mayor shall be by him paid into the city treasury.

Acts repealed

SEC. 61. *Be it further enacted*, That an act to incorporate the town of Ozark, in the county of Dale, approved March 10, 1873, and all acts amendatory thereof, be and the same are hereby repealed.

Approved February 3, 1891.

140]

AN ACT

[H. 612

To amend Section 4641 of the Code.

Hiring of  
state con-  
victs

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4641 of the Code of Alabama be amended so as to read as follows: Hiring of state convicts; notice, sealed proposals. qualifications of bidder, etc.—All of the convicts may be hired to be worked outside of the walls, and when they are to be so hired, the president of the board of inspectors shall give notice thereof by publication in one or more newspapers in each of the cities of Mobile, Montgomery, Birmingham, Huntsville and Selma for at least three weeks previous to a day designated in said notice, that sealed proposals will be received at his office for the hire of convicts. The notice shall state the terms and conditions upon which the convicts shall be hired. The proposals for hire must be written or printed, and shall state the number and class of convicts wanted, and the price to be paid for each per month, and the kind and locality of the labor to be performed, and shall be enclosed in an envelope and securely sealed, and there shall be nothing on the outside of the envelope except the name and address of the president of the board of inspectors, and across the left end the words, "Proposals

for convicts." The president of the board shall keep such proposals safely, and on the day designated in the advertisement of hiring, the proposals shall be opened by him in the presence of the governor and the members of the board of inspectors, and the bids shall be accepted or rejected by the board of inspectors, subject to the approval of the governor; and in the acceptance or rejection of the bids regard must be had to the character and reputation of the bidder, the occupation, the healthfulness and the accessibility of the place where convicts are to be worked. Each proposal accepted or rejected must be so endorsed, with the date, and signed by the board of inspectors and the governor, and must be kept by the president in his office, subject to examination by any citizen of the state; *Provided*, that any convicts that may have been reserved from any letting under the provisions of this section because they were needed for the use of the state or because they were at the time of the letting unable to perform manual labor, or who, under the provisions of the law, are required to be changed from the work for which they were hired, having been declared by the physician to be unfit for such labor, or on account of their sex, may be hired at any time by advertisement as provided herein by the board of inspectors with the approval of the governor, by such person or persons, and for such work as in the judgment of the board of inspectors and the governor may seem best for the interests of the state and the welfare of the convicts; *Provided further*, that whenever convicts are hired elsewhere than at the mines, not less than fifty may be hired to one person or company, and kept at one prison, except that the females must be kept at one prison separate from the males, whether there be fifty or less.

Hiring of  
state con-  
victs

SEC. 2. *Be it further enacted*, That the convicts hired out under this act shall be hired for not less than two nor more than five years.

Approved February 3, 1891.

To prohibit the selling, giving away or disposing of spirituous, vinous or malt liquors, or of alcoholic bitters, cordials or beverages of any kind, in Sumter county.

Liquor pro-  
hibition

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors or of alcoholic bitters, cordials or beverages of any kind in Sumter county; *Provided*, That this act shall not be construed to prohibit their use in private families and for sacramental purposes.

Unlawful to  
order for  
another

SEC. 2. *Be it further enacted*, That it shall be unlawful for any person to procure any of the aforesaid liquors for another, or for any person or firm to order any of the liquors above named for another person from any place without the county, or to act as agent to receive and forward such orders for others; and any violation of the foregoing provisions of this section shall be deemed a misdemeanor, and any person convicted thereof shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not exceeding thirty days for the first offense; for the second, and each subsequent offense, he may be fined not more than one hundred dollars, and imprisoned in the county jail six months, or sentenced to hard labor for the county not less than three nor more than twelve months.

Penalty

Penalty for  
selling

SEC. 3. *Be it further enacted*, That any person who shall sell, give away or otherwise dispose of the liquors mentioned in the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned in the county jail three months, or sentenced to hard labor for the county not less than thirty days, nor more than three months, for the first offence, and for the second, and each subsequent offense, he may be fined not less than fifty nor more than two hundred dollars, and in default of payment of the same, he may be sentenced to hard labor for the county for not less than three nor more than six months.



SEC. 4. *Be it further enacted*, That convictions under this act shall entitle the solicitor to a fee of twenty dollars. Solicitor's  
fee

SEC. 5. *Be it further enacted*, That the judge of the circuit court held for Sumter county shall give it specially in charge to the grand jury impaneled at the regular term of the court to enquire into the observance of this act, and it shall be the duty of the grand jury to find true bills in all *prima facie* cases of violations of said act. Duty of  
judge of cir-  
cuit court

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with this act, shall be, and the same are hereby repealed.

Approved February 3, 1891.

142.]

AN ACT

[s. 245]

To amend an act entitled an act to incorporate The City of Fort Payne, DeKalb county, Alabama, approved February 28, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within the following area of land beginning at a point where the east boundary line of section 8, T. 7, R. 9, E. intersects with the west boundary line of the Fort Payne and Eastern railroad; thence along said west boundary line of aforesaid Fort Payne and Eastern railroad in a southerly direction to a point where it intersects with the east boundary line of section 18, T. 7, R. 9, E.; thence along said east boundary line in a southerly direction to the  $\frac{1}{2}$  mile stone in the aforesaid east boundary line; thence in a straight line until it strikes the southwest corner of southeast quarter of southeast quarter of section 18, T. 7, R. 9, E.; thence in a westerly direction along the south boundary line, section 18, T. 7, R. 9, E. to where it intersects with the south block line of nineteenth street; thence along said south block line of nineteenth street in northwesterly direction, until it strikes the conditional line dividing the Hammock addition and Woodland addition; thence in Corporate  
boundaries

northwesterly direction along said conditional line until it strikes the west boundary line of the N. E. quarter of S. E. quarter, section 13, T. 7, R. 8, E.; thence in northwesterly direction in straight line until it strikes the northwest corner of N. E. quarter of southeast quarter, section 13, T. 7, R. 8, E.; thence in N. E. direction in a straight line until it strikes the N. E. corner of S. E. quarter of S. W. quarter, section 7, T. 7, R. 9, E.; thence in a straight line until it strikes the S. W. corner of N. E. quarter of N. E. quarter, section 7, T. 7, R. 9, E.; thence in a straight line until it strikes the N. E. corner of the S. E. quarter of the N. W. quarter, section 5, T. 7, R. 9, E.; thence in S. E. direction crossing the valley in a straight line until it strikes the N. E. corner of S. E. quarter of S. E. quarter, section 5, T. 7, R. 9, E.; thence southerly direction along the east boundary line of section 5 and section 8, T. 7, R. 9, E. to beginning, be and the same are hereby incorporated and made a body politic, corporate under the name and style of

Name, rights,  
powers, etc

The Mayor and City Council of Fort Payne, which shall be managed and governed by a mayor and city council, as hereinafter provided. Said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever; may purchase, hold and receive property, real and personal within said city, and may sell, lease or dispose of the same for the benefit of the city, and may purchase and hold real and personal property beyond the limits of the city for any purpose that the mayor and city council may deem necessary and proper, and may sell, lease, or dispose of such property for the benefit of the city to the same extent as natural persons. It shall have and use a common seal, and change it at pleasure; and shall have police jurisdiction extending one mile beyond the corporate limits; *Provided*, That it does not extend within the corporate limits of any other town.

Election

SEC. 2. *Be it further enacted*, That the mayor and councilmen shall be elected for a term of two years, the next election to be held the first Monday in July, 1891. The mayor shall be chosen by the qualified electors of the City of Fort Payne. It shall be the

duty of the mayor to preside at the meetings of the city council and to carefully examine all ordinances passed and should any one of them not meet with his approbation return the same to the next regular meeting of the city council, with his objections, in writing, and no ordinance so vetoed by the mayor shall go into effect unless the same be passed by a majority vote of the whole number of the members of the city council. No bill shall become an ordinance without first having been passed on three several readings by a majority vote, which may be done at the same meeting, on the third of which readings a majority of the whole number of members of the board present shall be required, and until said bill shall have been signed by the mayor, or without his signature, as provided in the act. The mayor shall be required to veto only such parts of the bill as he may deem objectionable, and may approve the residue of the same bill. If the mayor fail to return any ordinance to the next regular meeting of the city council, he shall be deemed to have approved the same, and it shall become a law without further action. The mayor shall have the power to make pro tempore appointments to fill vacancies occasioned by sickness, absence or other disability of any city officer, and to suspend any city officer, except councilmen, for misconduct in office, or neglect of duty, reporting his actions, with his reasons therefor in writing, to the next regular meeting of the city council by whom final action shall be taken. He may whenever in his judgment the good of the city requires it, call special meetings of the city council, and when so called, he shall state the object for which it shall have been convened, and the business of such meeting shall be restricted to the object so stated. He shall at least once in every three months, cause to be presented to the city council a full and complete statement of the financial condition of the city. The mayor shall from time to time, communicate to the city council such information, and recommend such measures as may in his judgment, tend to the improvement of the finances, and the general interest of the city. He shall take care that all the ordinances are duly respected and observed within the city, and perform such other duties as may by ordi-

Duties of  
mayor

nance be required of him. The compensation of the mayor shall not be less than three hundred dollars per annum, and may be changed by ordinance but not during his term of office. In case of his absence the councilman elected mayor *pro tem* shall discharge his duties, and is hereby clothed with authority for that purpose ; and in case the mayor's office is vacated by death, resignation, removal or any other cause, the mayor, or mayor *pro tem*, shall discharge the duties of said office until a successor for his unexpired term be elected by the people, which election shall be held within thirty days after a vacancy occurs ; and in case of the absence, or inability of both mayor and the mayor *pro tem*, the city council may be called in special session by any member, and one of their number be designated to act as mayor *pro tem*.

Mayor and councilmen

Eligibility

Vacancies

Ties for mayor

SEC. 3. *Be it further enacted*, That the city council shall be composed of five councilmen who shall reside in the city of Fort Payne at the time of their election, and during their term of office. The councilmen shall be elected by the qualified electors of said city. No person shall be eligible to the office of mayor or councilman who has not the qualifications mentioned in article eight of the constitution of this state, and who has not been a resident of the city of Fort Payne for at least two years preceding his election. If the mayor should cease to be a resident of Fort Payne, his office shall thereby become vacant, and the vacancy shall be filled for the unexpired term by the council as above provided. Should any councilman cease to be a resident of the city, his office shall thereby become vacant, and the vacancy shall be filled for the unexpired term by the council as provided. In all cases where two or more persons receive the same number of votes for mayor, the judge of probate of DeKalb county, Alabama, shall give the casting vote. And the candidate for whom he gives such vote in case of a tie, shall be the one declared elected. The mayor or other officer, may be impeached by the city council for misfeasance, malfeasance, or nonfeasance in office, and two-thirds of the city council concurring, may be removed. Vacancies occurring in the city council shall be filled by a majority vote of the remaining members thereof.

SEC. 4. *Be it further enacted*, That the mayor and each councilman shall, before entering upon the duties of his office, take an oath that he will faithfully and impartially discharge the duties of his office. The councilmen shall elect one of their own number to be their presiding officer, to act in the mayor's absence, who shall be clothed with the authority of mayor pro tem. The city council shall judge of the qualifications, elections, and returns of its own members, and shall prescribe rules for the determination of contested elections. It may determine its own rule of proceedings and prescribe the punishment of its members for non attendance, or disorderly conduct, and enforce the same; two-thirds of its members concurring, may expel a member for improper conduct while in office. It shall require a majority of the members of the board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under a provision of ordinance may compel the attendance of absent members by fines and penalties. To enable the city council to fully investigate charges against its members or other officers, or such other matters as they may deem proper the mayor at the request of the board is hereby empowered to issue subpoenas and compulsory process to compel the attendance of persons, and the production of books or papers before the city council, or any committee of the council. The city council shall hold meetings at such times as it may determine, not exceeding two regular stated meetings per month. Councilmen shall receive such compensation as by ordinance may be fixed.

Oath of office

Mayor pro tem

Duties and powers of mayor and council

SEC. 5. *Be it further enacted*, That before the first election held under this act, and every two years thereafter, the mayor and city council shall appoint three inspectors of such election, who shall be residents of said city, and the mayor and council must provide for the opening of the polls, and it shall be the duty of the mayor to give ten days notice, by publication in a newspaper or by posting notices of the time and place of holding, and the names of the inspectors. The said elections shall be conducted according to the laws of the state except as herein changed.

Elections

SEC. 6. *Be it further enacted*, That only those per-

Qualified  
electors

sons shall be qualified electors to vote in any election of mayor and alderman, for said city of Fort Payne, who are qualified electors, under the general laws of the State of Alabama, and who have resided within the corporate limits of said city of Fort Payne for three months next prior to any election at which the voter proposes to vote, and who exhibits to the officers holding said election, a certificate of registration signed by the registrar of said city; and failing to do which, no one shall be allowed to vote.

Registrar  
and his du-  
ties

SEC. 7. *Be it further enacted*, That the aldermen of said city of Fort Payne, shall elect a registrar for said city, and that he shall be required to keep a list, or lists, of registration of the qualified electors of said city; and who shall, at least sixty days next preceding each and all elections of city officers, commence a registration of the qualified electors of said city, and shall continue the same until thirty days next prior to such election, at which time the registration shall be closed. And no one shall be allowed to register after such time. And the registrar shall give notice of the commencement and continuance of registration, by posting written notices, showing the time and place of registration, in five public places, in said city, and by advertising the same in some newspaper, published in said city, for ten days prior to the opening of registration. The registrar shall hold his office at the will of the aldermen, and be subject to removal at their pleasure. The registrar is hereby empowered to administer oaths to all persons who offer to register, and to witness whom he may examine. Said registrar must be satisfied by personal knowledge or sufficient evidence that each applicant for registration, is a qualified elector, as prescribed above, and the name of each, either to be subscribed to such oath by the elector himself, or if he can not write, then the registrar must at such elector's direction write, write his name and cause him to make his mark thereto, which shall be attested by said registrar under the appropriate head, and in the prescribed form herein after set out. The mayor shall provide blanks printed and ruled on good paper, suitable for binding in book form for the registration of electors which he shall furnish the registrar. The



blank shall be headed with the following oath and form, to-wit: Fort Payne, DeKalb county, Alabama. We, the undersigned registered electors, each for himself, do solemnly swear, (or affirm) that I will support and maintain the constitution and the laws of the United States, and the State of Alabama: that I am not excluded from registering or voting by any of the clauses of any section of article eight of the constitution of Alabama, and that I shall have been a resident of the city of Fort Payne, Alabama, for three months immediately preceding the next election in said city, and at said election I will be a qualified elector under the laws of the city of Fort Payne, Alabama. I, ....., registrar for said city of Fort Payne, do hereby certify that the foregoing names of registered voters from No. 1 to No. .... inclusive, were duly registered by me according to the law, between the dates of ..... and ..... in said city of Fort Payne, and that each of said persons registered took and subscribed before me the above and foregoing oath, on the day set opposite their names respectively. Witness my hand this ..... day of ....., 18 .....

Registrar  
and his du-  
ties

*Registrar.*

The right of any person to be registered as a voter may be challenged in the manner hereinafter provided, for the challenging of any person who may claim the right to vote at any municipal election of said city. The registrar shall make two correct copies of said original registration list, one in the order of registration and as numbered, and in the other the names of the persons registered shall be arranged alphabetically, and he shall certify said original and copies over his signature, within three days after the closing of the registration, to the mayor of the city. For his services in registering electors, and for preparing the said registration list, the registrar shall receive five cents for each person he has registered. It shall be the duty of the registrar to certify the amount of his compensation, which shall be a preferred claim, and paid out of any money in the city treasury not otherwise appropriated. Before entering upon the discharge of his duties, the registrar

Registrar  
and his du-  
ties

shall make and subscribe an affidavit, before the mayor, that he will faithfully and truly perform the duties by this act imposed upon him, and that he will register all persons who may apply therefor and show that they are legally entitled to vote at the next coming election, as by this act provided, and no other person, which affidavit shall be filed with the clerk of the council. The mayor shall cause at least fifty carefully prepared copies of the said alphabetically arranged list of electors of the city to be printed, and shall furnish to each of said inspectors of election the original registration list and copy thereof, as certified to him by the register, to be used at such election. One of these printed copies shall be designated and used by the said inspectors as the official copy, and shall be by them returned, together with the manuscript copy of original registration list furnished them by the mayor, with the ballots cast at such election, as part of their official returns as hereafter directed. The mayor shall post, at least seven days before the election, at the postoffice and four other public places, a complete copy of said printed registration list. The original lists and the alphabetical manuscript copies shall be by the mayor deposited with the clerk of the council, to be preserved among the records. The names of the persons registered in said city of Fort Payne shall be numbered in the order of the registration. Said registrar must furnish each person, at the time of registration, a certificate of registration as follows, to-wit:

Fort Payne, Alabama.

I, ....., registrar, do hereby certify that....., age, ....., color....., residing at No. ...., on ..... street, registration No. ...., this day registered before me as an elector in the city of Fort Payne, Alabama, for the election to be held on the ..... day of ....., 18.....

Registrar.

Inspectors  
and their  
duties

The inspectors of election shall not receive at said election the vote or ballot of any person whose name does not appear on the registration list as furnished by the mayor of said city of Fort Payne, and who does not, at

the time of voting, present and surrender to the inspectors of election his certificate of registration, to be by said inspectors then and there cancelled, and who does not, on demand, make satisfactory proof of his identity with the person whose name may be on the registration list. The printed lists furnished by the mayor shall be taken to be correct, subject, if error is alleged, to be corrected by comparison with the original registration list, which, for that purpose, shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with ink on said official registration list, over the name voted. The said inspectors, immediately after the polls are closed shall proceed to count the ballots and compare them with the poll lists, and if two or more ballots are found rolled up or folded together, so as to induce the belief that the same was done with a fraudulent intent, they must be rejected, or if any ballot contains the names of more persons than the voter had a right to vote for, the first of such names on such tickets to the number of persons the voter was entitled to vote for only must be counted. As soon as they shall have finished the count and ascertained the number of votes received for each person, and for what office, they must certify the result of the election to the mayor and councilmen of said city. They must also enclose the ballots cast, with the poll list, and the official copy of said registration list, and the manuscript registration list, and the certificates of registration surrendered at the election, together with their tally sheets and certificates of results, in the box in which were placed the ballots received at such election, and carefully seal said box, deliver the same with its contents, to the mayor, who shall give his receipt, for the same, stating the condition of the box when it was received. The mayor and city council shall, within three days after said election, hold a meeting and open the boxes received from the inspectors, and from said certified returns, declare the election of the person who shall have received the highest number of legal votes to their respective offices, to the person so found to be elected. Said mayor and

Inspectors  
and their  
duties

Duties of  
mayor and  
council

## Contests

council shall hold and safely keep for thirty days, said poll list, ballots, tally-sheets, registration certificates, and certified returns, and lists of registration. The judge of probate of DeKalb county shall have jurisdiction as provided in article 3, chapter 4, title 8, part 1, of the code for all contests of any election for any of the municipal officers of said city, except councilmen, and all laws of the state of Alabama, governing or applicable to contesting elections for the office of sheriff, shall apply and govern in contesting any election, for any of the said municipal officers, except councilmen, for the city of Fort Payne, Alabama. If there be no contest, said mayor and councilmen shall destroy all the said papers, except said original registration list, and the certified manuscript copies, which shall be preserved as hereinbefore provided. Any

## Challengers

person offering to vote at any municipal election in the city of Fort Payne may be challenged by either of the inspectors or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he does not know or suspects not to be qualified under this act, as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath to-wit: "You do solemnly swear that you will answer all such questions as may be put to you, touching your qualifications as an elector." The inspectors or one of them, must then examine him as to his qualifications under this act. They may also receive proof of his qualifications other than the oath of the challenged party, and are hereby empowered to administer oaths to all persons who offer to vote, and to witnesses whom they may examine, and must submit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath or to answer any of the questions except such as may tend to criminate himself, his vote may be rejected. Any person who falsely personates another, and thereby

## Illegally voting or registering

casts a vote to which he is not entitled, or thereby obtains registration as a voter or attempts by such false personation of another to obtain such registration, or after once voting at such election votes a second time, or shall attempt such registration, whether in the same

or another name, or shall aid or assist another person, not so entitled, knowing him not to be so entitled to register or vote shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for not less than six months or more than two years.

SEC. 8. *Be it further enacted*, That the mayor and city council of the city of Fort Payne shall, within the

Powers of  
mayor and  
council

limitations of this act have power, by ordinance:

1. To levy and collect taxes from all property taxable by law for state purposes.
2. To levy and collect taxes upon all privileges, trades, or occupations, of not less than five nor more than one hundred dollars.
3. To appropriate money and provide for the payment of the debts and expenses of the city, and also the debts of the municipal corporation of which it is the successor.
4. To make regulations, to prevent the introduction of any contagious diseases in the city, to make quarantine laws for the purpose and enforce the same within five miles of the city, and punish the breach of the same.
5. To establish hospitals and make provision for the government of the same.
6. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances.
7. To provide the city with water, by waterworks within or beyond the city, or by contract, and to provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
8. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean and keep in repair streets, alleys, sidewalks, or to have the same done, and to plant shade trees, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for the use of the city.
9. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee-houses, confectioners, hawkers, peddlers, butchers, lawyers, doctors, livery-stable keepers, and all other privileges.
10. To license, tax and regulate hackney, carriages, carts, omnibuses, wagons, drays and all other vehicles, and to fix the rate to be charged for the carriage of persons and property

Powers of  
mayor and  
council

within the corporate limits of the city, and to the public works and property outside the city. 11. To license, tax, regulate or prohibit or suppress theatrical and other exhibitions, shows and amusements. 12. To regulate or prohibit or suppress all gambling houses, disorderly and bawdy houses and obscene pictures and literature. 13. To regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fire, and to prevent or suppress the sale of fire arms, and carrying of concealed weapons. 14. To regulate the storing of gunpowder, tar, pitch, resin, salt-petre, and all other combustibles, explosive, or inflammable material, and the use of lights, candles and steam pipes, in stables, shops, and other places, and to regulate or suppress the use and sale of fire-crackers and toy pistols, and to prohibit the sale of spirituous, vinous or malt liquors, within said city. 15. To provide for the inspection and measuring of lumber, and other building material. 16. To provide for the inspection and weighing or measuring stone, coal, wood, and all fuel, hay, corn and other grain. 17. To provide for and regulate the inspection of beef, pork, flour, meal, and other spirits in barrels, hogsheads and other vessels or packages. 18. To regulate the inspection of milk, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish and vegetables; to restrain and punish the forestalling and re-grading of provisions; to establish and regulate markets. 19. To impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation. 20. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city, by day or by night, and for all breaches of the peace, noise, disturbance or disorderly assemblies, and to provide for the punishment, by fine, or imprisonment, of the commission of any offense punishable by the laws of the State of Alabama. 21. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full extent and meaning of this act, and to accomplish the object of this incorporation. 22. To impose penalties upon the owner or owners, occupants or agents of any houses, walls or



side-walls or other structure that may be considered dangerous or detrimental to the citizens, unless after due notice, to be fixed by ordinance, the same be removed or re-paired. 23. To regulate, tax, license or suppress the keeping or going at large of all animals within the city, and to impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same. 24. To erect and organize a work-house in or near said city, and any person who shall neglect or fail to pay any fine imposed upon him by any ordinance of said city, shall be committed to such work-house, until such fine and costs shall have been fully paid, or if male to work out the fine on the streets. 25. To provide for improving, enclosing and regulating all public grounds, belonging to the city, in or out of the corporate limits. 26. To impose penalties upon persons convicted of cruelty to animals. 27. To appoint, regulate and govern a police force, to impose fines, forfeitures, penalties and terms of imprisonment in the city work-house, the county jail, or work on the public streets, of males, for the breach of any city ordinance, but no penalty shall exceed one hundred dollars, and no term of imprisonment shall be for a longer term than six months for the same offense. 28. To regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner or owners of the adjacent lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the city council may contract for the construction or repair of such sidewalks or pavements, and the city shall pay the same, and the amount so paid shall be a lien upon said lot and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction; to compel owners of building to erect fire escapes when necessary for the safety of occupants. 29. To grant the right of way, through the streets, avenues, and squares of said city for the purpose of street or other railways, telephone, telegraph and electric light companies, and for laying pipes of gas and water companies. 30. To take and appropriate grounds for widening or extending streets or parts

Powers of  
mayor and  
council

Powers of  
mayor and  
council

thereof, or for laying out new streets, avenues, squares, parks, or promenades, when the public convenience requires it, upon just compensation, to be determined according to the law of the state regulating proceedings of *ad quod damnum* and condemnation by railroad corporations. 31. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire; and for this purpose may remove wooden building or other structures, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: one by the owner of the property, and one by the mayor of the city. In case of a failure to agree the arbitrators so selected, shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; and to punish by fine or imprisonment the erection of any building in said fire limits, other than those prescribed by ordinance. 32. To regulate the speed of trains, cars or locomotives on railroads or tramways in streets, and to punish violations of such regulation. 33. To establish and build drains, sewers, aqueducts, and reservoirs, and to regulate the same, and to take and appropriate any land, or rights of way necessary for such drains, sewers, aqueducts or reservoirs, upon just compensation to be determined according to the laws of the state regulating proceeding of *ad quod damnum* in cases of condemnation by railroads; and to pass all ordinances necessary to compel owners of lots of real property to ditch and drain the same, at the expense of the owner, and to punish any refusal or neglect of such owners or agent of such property, by fine or imprisonment one or both. 34. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found, to regulate or prohibit privies, and privy and water closets, sinks and wells. 35. To make all ordinances necessary concerning idlers, paupers, vagrants, and disorderly or vicious persons, and correcting or restraining their vicious habits. 36. To punish all persons who, in any manner obstruct policemen in the arrest of any person, in police limits, and for the punishment of any person, who, when called upon to

aid in the arrest of any person shall fail to give such aid, or when summoned to act as patrol re.uses to act, and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damages in a civil suit; *Provided*, he did no more than was necessary to affect such arrest. 37. To punish injuries to streets, sidewalks and trees, and to private or city property. 38. To fix the time when the taxes of said city shall be payable and when delinquent.

SEC. 9. *Be it further enacted*, That the mayor and city council are forbidden to make any appropriation of money or credit in the way of donations, festivities, or pageants, and they are hereby prohibited from employing or appropriating the revenue and taxes in any other manner than for the purposes strictly municipal, and local, and according to the provisions of this act. Expenditures  
forbidden

SEC. 10. *Be it further enacted*, That the city council shall by ordinance, determine the number of standing committees, and the number of members of each committee and their duties. The mayor shall appoint said committees, as soon as practicable after his election, and he shall be ex-officio a member of each, but shall not be entitled to a vote, except in the case of a tie. Standing  
committees

SEC. 11. *Be it further enacted*, That all city ordinances shall begin as follows: "Be it ordained by the mayor and city council of Fort Payne," and shall at the end of the act contain in the provisions that, "this ordinance shall go into effect from and after its passage, the welfare of the city requiring it," otherwise the same shall not take effect until twenty days after its passage. Ordinances

SEC. 12. *Be it further enacted*, That no member, officer or employee, of the mayor or city council shall be directly or indirectly interested in any contract or work of any kind whatsoever under the direction of the said mayor, or city council, and any contract or material, in which any such person has any interest, shall be void. When, in the opinion of the city council, it shall become necessary in the prosecution of any work, to make alterations or modifications in a specification or plans of a contract, such alterations or modifications, shall only be made by order of the city council, Work for the  
city

and such order shall have no effect until the price to be paid for the same shall have been agreed upon in writing, and signed by the contractor, and approved by the city council. The total cost of the work with the addition of the price, so agreed upon, shall not exceed the original estimate. No contractor shall be allowed anything for any extra work, alteration or modification, unless this section be complied with, and shall not be allowed more than the price fixed by agreement.

## Arrests

SEC. 13. *Be it further enacted*, That the several members of the police force shall have authority to immediately arrest, without warrant, and take in custody any persons who shall commit or attempt, in the presence of such policeman or in his view any breach of the peace or public offense prohibited by the laws of Alabama, or any ordinance of the city council, and such policeman shall, upon such arrest, unless bond be given, deliver such offender to the keeper of the city guard-house, that he may be dealt with according to law, by the mayor's court at its next sitting, and the officer shall, without delay, report the arrest, and the cause thereof, to his superior officer.

Working out  
fine

SEC. 14. *Be it further enacted*, That every person committed to the workhouse or to work on the streets, shall be required to work at such labor as his health and strength will permit, within or without said city, not exceeding ten hours a day, and for such work the person so employed shall be allowed, exclusive of his board, fifty cents per day until the whole is discharged. No person shall be compelled to work longer than six months for any offense.

## Collections

SEC. 15. *Be it further enacted*, That all taxes shall be collected as prescribed by ordinance. Collectors of taxes on privileges in said city shall have power to issue distress warrants, and alias pluries distress warrants in the name of the mayor and city council. The same may be executed by any policeman or other officer.

Appointed  
officers

SEC. 16. *Be it further enacted*, That the mayor and city council are authorized to create such offices and to provide by ordinance for the appointment or election of all such officers as may be necessary for the

good government of the city (not to interfere or conflict with the duties of officers and appointees provided for in this act) whose compensation and bonds and the time of service shall be fixed before their election. The said mayor and city council shall have authority at any time to abolish any office created by them. All elections by the city council shall be by viva voce on the call of the roll. All officers created by this act, or by ordinance, shall give such bonds as the mayor and city council shall decide. No councilman shall be eligible to any city office during the period for which he was elected.

SEC. 17. *Be it further enacted*, That the mayor and councilmen of said city are hereby empowered and authorized to issue bonds on said city, under such regulations as they may prescribe, not to exceed the amount of fifty thousand dollars (\$50,000), to be used in taking up or paying off the bonds now outstanding against said city, and for the improving and general good of said city, as they may deem best; *Provided*, that if bonds are not issued to take up all bonds now outstanding against said city, then said mayor and council shall issue bonds only to the extent of fifteen thousand dollars (\$15,000).

May issue  
bonds

SEC. 18. *Be it further enacted*, That the city council shall elect a tax assessor, and tax collector, whose terms of office shall be two years, and whose bonds shall be fixed by the city council, and who shall receive the same commissions as county tax collectors and assessors now receive. It shall be the duty of such assessor, before the first day of May of each year, to assess for taxes all property within the corporate limits of said city subject to taxation under the laws of this state; such assessment naming the person liable to such taxes when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor and city council, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the city council or a committee thereof will hear and determine upon all complaints which may be made against such assessment, and it shall be the duty of the city council or committee thereof to correct errors and sup-

Tax assessor  
and collector

ply omissions, and when the same has been passed upon by the city council, they shall levy a tax thereupon, and such levy shall have the force and effect of judgment and execution, and taxes on personal property may be collected by levy and sale by giving such notice as is required by law on executions from the circuit court.

Collection of taxes  
SEC. 19. *Be it further enacted*, That whenever any taxes on real property in the said city assessed for municipal purposes, shall be due and unpaid, for thirty days, the city tax collector may file with the mayor, a list of such property, describing the same as accurately as may be, according to the map of said city in common use, and with the name of the owner of each separate piece, if known, and the amount of taxes, interest, and cost due on each piece separately, or if the owners be unknown, stating the fact, and giving the name of the occupant, if any, or that the property is unoccupied. It shall be the duty of the mayor of said city, to keep a book in which he shall enter the property so reported to him delinquent, stating each piece separately, and docketing a case against each piece of property as follows: "Mayor and city council of Fort Payne, vs.———" (describing the property) and against such entry shall note the ownership of said property and the amount of taxes, interests and costs due on said property, and shall leave space for the proper judgment entry in each case. The mayor shall then cause a notice to be posted in some conspicuous place on said property, stating the fact that the taxes are delinquent, and giving the amount of same, and such statement as to ownership as may be entered on his docket, and proceeding are pending before the mayor to have the same sold for taxes, and also shall cause a similar notice to be served on the owner of said property if known, and resident in the county of DeKalb, otherwise upon the occupant of said property, or if the same be vacant, he shall publish such notice in a newspaper published in said city for three consecutive weeks, before proceeding further in said matter. The notice prescribed shall be served and posted by some policeman of said city whose return of posting and publication and service, shall have the same force



and effect of a return of a sheriff, on process from the circuit court. If the taxes remain unpaid for thirty days, after the posting and service of said notice, or publication, the city tax collector may move the mayor for a judgment against the said property for the amount of taxes, interest, and costs due on same, and the mayor shall thereupon, if good cause be not shown, to the contrary, enter upon his said docket a judgment against said property for the amount of taxes, interest, and costs that may be due on said property, and a decree for the sale of said property for non-payment of the same, which judgment and decree shall be sufficient, if in substance as follows: "Due notice having been given, and no cause shown to the contrary, it is decreed that the property described in this cause, be sold for non-payment of....." (giving the amount of taxes, interest, and costs). The amount of taxes assessed against the same, with interest, and costs, "which judgment shall have the same effect as a decree of a chancery court of the district where said real estate is situated. An appeal may be taken to the next term of the chancery court for that district by any person interested in said property, from the decree of the mayor, in such case, upon giving bond in double the amount of the judgment, with sufficient sureties, to be approved by the mayor, at any time within thirty days after the rendition of such judgment. Said bond shall be conditioned to pay such decree as the chancery court may render in the premises, and all such costs or damages as the mayor and city council may sustain if the judgment is affirmed. Such appeal shall be heard on the record and bill of exception reserved by the defendant, setting out such of the evidence as he may deem necessary to a fair presentation of his defense, and must be affirmed, or reversed and remanded, or decree rendered by the chancellor as may be just and right. Upon obtaining judgment in any of said causes, the city tax collector shall advertise the property, so decreed to be sold, for three successive weeks in some newspaper, published in said city stating in the said advertisement the description of said property, the amount of the judgment against the same, the ownership thereof

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Collection of  
taxes

as shown by the court docket, and the time and place where he will offer the same for sale; and on the day advertised, at the place mentioned in said advertisement, being some place in said city, within legal hours of sale, he shall offer said property for sale, to the highest bidder, for cash, and may continue such sale from day to day, or adjourn the sale of one or more pieces of property, for want of bidders, from time to time not longer than ten days at one time, and may give notice of such adjournment, by a foot note to the original advertisement. The mayor and city council may purchase at any sale any piece of property for which there is no bidder, greater than the amount of said judgment, or may withdraw from the sale any piece for which there is not a bid exceeding said amount. Where any piece of property so offered for sale is bid off by any person, the city tax collector shall give to such purchaser a certificate stating that the fact of his purchase and the price, and amount and nature of the judgment for which the property was sold, which certificate shall be transferable by endorsement, and if said property is not redeemed by the end of two years from date of sale, the city tax collector shall execute a deed to the holder of the certificate conveying the property sold, which deed shall be acknowledged by the said collector before any competent officer, and upon being duly probated as required by law, shall vest in the grantee all the right, title and interest which the owner of the property conveyed, had in the same. A deed made and recorded, as provided in this section, shall, when offered in evidence in any court in this state, be prima facie evidence that every requisite for legal sale under this act has been fully complied with. If for irregularities in proceeding or other cause, a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such sale, or his assigns or grantees, then the holder of the certificate of purchase or deed, as the case may be, shall have the lien of the said mayor and said city council of Fort Payne on the land named therein for the amount of interest, taxes and costs for which said land may have been sold, and shall also be a lien upon said land for interest upon same, and for taxes

paid thereon by any holder of said certificate, or deed, after the time of such sale, and such lien may be enforced by new proceedings before the mayor in the name of the mayor and city council of Fort Payne upon indemnity being given for costs. The owner or mortgagee of any interest in said property, whether in possession, reversion, or remainder, may at the time, before execution of the deed provided for in this act, Right to re-deem redeem any property so sold, by paying to the city tax collector the amount for which such property was sold, with ten per cent. damages thereon and interest on the whole amount at eight per cent. per annum; and said collector shall give to the person rendering a certificate of such redemption, which if held by a mortgage, or any other person in interest, shall be a lien on said land for the amount paid to redeem any interest thereon, and any subsequent taxes paid by such redeeming party, and the said collector shall pay over the redemption money to the holder of the certificate of purchase, upon the same being presented to him. The mayor shall tax as costs against the property ordered to be sold by him, fees for giving notice, and for the trial and rendition of judgment, and for making a certificate of purchase, and execution of a deed, as the mayor and city council may prescribe, not exceeding five dollars in any case, which shall be paid into the treasury of the city. The certificate of purchase under this act shall authorize the purchaser or assignee to maintain ejectment for the possession of premises sold against the former owner, if the sale was made as required by this act, and in addition to the right of redemption secured by this act, the owner or mortgagee of any interest in the property whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in this section above provided for, at any time within two years from the time the purchaser enters upon or maintains possession of the property, and if such owner or mortgagee is an infant or a person non compos mentis, he shall be allowed two years after the removal of such disability in which to redeem.

SEC. 20. *Be it further enacted*, That the mayor Mayor's shall act as judge of the mayor's court, and shall have court

power to try and punish all offenses against the ordinances of the city of Fort Payne by fine not exceeding one hundred dollars and imprisonment or hard labor on the streets or public works not exceeding six months. And as judge of the mayors court, he shall have exclusive power to pardon and release persons convicted by him under city ordinance. The mayor or mayor pro tem shall have power to punish for contempt of court to the same extent that a justice of the peace may. Said mayor shall have power to examine and commit, or to admit to bail or discharge any person charged with any criminal offense, and he shall have the authority of a justice of the peace in all criminal matters arising within the corporate limits of Fort Payne.

#### Appeals

SEC. 21. *Be it further enacted*, That where parties tried before the mayor or mayor *pro tempore* of said city, are dissatisfied with any judgment rendered by said mayor, or mayor *pro tempore* of said city, he or they may forthwith appeal to the circuit court of DeKalb county by giving bond with good security to be approved by the mayor, conditioned to pay and satisfy such judgment with costs, as the appellate court may render on such appeal, but unless such bond be given within five days, then no appeal shall be allowed from such judgment. The proceeding on such appeal shall be in all respects as prescribed by law, and in case of appeal from judgment of a justice of the peace in civil cases, except as changed by this act. If such defendant fail to appear in said circuit court, and if the case is called for trial, the judgment of the mayor or mayor *pro tem.* shall be affirmed by said appellate court, and judgment shall be rendered against the defendant and sureties on his appeal bond for the amount of the fine imposed by the mayor or mayor *pro tem.* and the costs of the appeal, unless good cause is shown for the court for his absence or default, and in case the defendant appears and judgment is rendered by said court for money, the court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs; and if the judgment of said appellate court be that the defendant be imprisoned or put to hard labor for the city, then the court

shall render judgment against the defendant and his sureties on the appeal bond, for the costs of the trial in the mayor's court and remand the defendant to the city authorities for punishment.

In case of the death of the party appealing, the action may be revived by or against his personal representative in all cases where the cause of action may be properly revived. From the judgment of said circuit court the mayor and city council may appeal to the supreme court of the state. All cases appealed from the mayor's court shall be placed on the docket and tried immediately after the criminal docket of said court has been disposed of.

SEC. 22. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all courts of law or equity, and all ordinances, resolutions and proceedings of the city council may be proved by the seal of the corporation attested by the city clerk, and when printed, and purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

This is a public act

SEC. 23. *Be it further enacted*, That all male persons liable to road duty under the laws of the state, residing in said city shall be liable to street tax of one dollar and fifty cents and shall be exempted from road duty upon payment of said street tax, but on failure to pay said street tax, shall be forced to work out the amount thereof on the streets of Fort Payne at the rate of fifty cents per day.

Street tax

SEC. 24. *Be it further enacted*, That it is not the intention of this act to repeal any city ordinances, now in effect, or any act relating to Fort Payne only as to those parts inconsistent to this act.

This act does not repeal etc

Approved February 3, 1891.

To fix the times and places of holding the Chancery Courts in the Southwestern Chancery Division of the State of Alabama.

- SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the times and places of holding the chancery courts in the several counties composing the southwestern chancery division of the State of Alabama shall be as follows:
- Chancery court
- Clarke In the first district, composed of the county of Clarke, at Grove Hill, on the last Mondays in February and August, and may continue three days.
- Monroe In the second district, composed of the county of Monroe, at Monroeville, on Thursdays after the last Mondays in February and August, and may continue three days.
- Wilcox In the third district, composed of the county of Wilcox, at Camden, on the first Mondays in March and September, and may continue three days.
- Bibb In the fourth district, composed of the county of Bibb, at Centreville, on Thursday after the first Mondays in March and September, and may continue three days.
- Dallas In the fifth district, composed of the county of Dallas, at Selma, on the second Mondays in March and September, and may continue one week.
- Perry In the sixth district, composed of the county of Perry, at Marion, on the third Mondays in March and September, and may continue three days.
- Hale In the seventh district, composed of the county of Hale, at Greensboro, on Thursday after the third Mondays in March and September, and may continue three days.
- Greene In the eighth district, composed of the county of Greene, at Eutaw, on the fourth Mondays in March and September, and may continue three days.
- Pickens In the ninth district, composed of the county of Pickens, at Carrollton, on Thursday after the fourth Mondays in March and September, and may continue three days.
- In the tenth district, composed of the county of Sum-



ter at Livingston, on the first Monday after the fourth Mondays in March and September, and may continue three days. Sumter

In the eleventh district, composed of the county of Choctaw, at Butler, on Thursday after the first Monday after the fourth Mondays in March and September, and may continue three days. Choctaw

In the twelfth district, composed of the county of Marengo, at Linden, on the second Monday after fourth Mondays in March and September, and may continue one week. Marengo

In the thirteenth district, composed of the counties of Mobile, Baldwin and Washington, at Mobile, on the third Monday after the fourth Mondays in March and September, and may continue four weeks. Mobile, Baldwin and Washington

SEC. 2. *Be it further enacted*, That this act shall take effect on or after the first day of July, A. D. 1891. When act takes effect

Approved February 4, 1891.

144]

AN ACT

[s. 209

To provide for Senatorial Representatives in the General Assembly of Alabama.

SECTION 1. - *Be it enacted by the General Assembly of Alabama*, That the senate of the general assembly of this state shall consist of thirty-three members, and that the state is divided into thirty-three senatorial districts, as follows; First, Lauderdale and Limestone; second, Lawrence and Morgan; third, Winston, Blount and Cullman; fourth, Madison; fifth, Jackson and Marshall; sixth, Etowah and St. Clair; seventh, Calhoun and Cleburne; eighth, Talladega and Clay; ninth, Randolph and Chambers; tenth, Tallapoosa and Coosa; eleventh, Tuskaloosa; twelfth, Lamar, Fayette and Walker; thirteenth, Jefferson; fourteenth, Pickens and Sumter; fifteenth, Chilton, Shelby and Elmore; sixteenth, Autauga and Lowndes; seventeenth, Butler, Conecuh and Covington; eighteenth, Perry and Bibb; nineteenth, Choctaw, Clarke and Washington; twentieth, Marengo; twenty-first, Monroe, Senatorial district

Escambia and Baldwin; twenty-second, Wilcox; twenty-third, Henry, Dale and Geneva; twenty-fourth, Barbour; twenty-fifth, Pike, Coffee and Crenshaw; twenty-sixth, Macon and Bullock; twenty-seventh, Lee and Russell; twenty-eighth, Montgomery; twenty-ninth, DeKalk and Cherokee; thirtieth, Dallas; thirty-first, Colbert, Franklin and Marion; thirty-second, Greene and Hale; thirty-third, Mobile.

SEC. 2. *Be it further enacted*, That at the general election in the year eighteen hundred and ninety-two, senators shall be elected in the odd numbered districts to serve for four years, so that hereafter one-half the senators may be chosen bi-ennially.

Approved February 4, 1891.

145]

AN ACT

[H. 208

To fix the number of Representatives in the House of Representatives of the General Assembly of this State, and to apportion them among the several counties of the State.

Apportion-  
ment of  
house of  
representa-  
tives

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the House of Representatives of the General Assembly of this state shall consist of one hundred members, elected at the general elections on the first Monday in August, 1892, and biennially thereafter, and are apportioned among the several counties as follows: The counties of Autauga, Baldwin, Bibb, Blount, Butler, Cherokee, Chilton, Choc-taw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, Shelby, St. Clair, Walker, Washington, and Winston, shall each elect one representative. The counties of Barbour, Bullock, Calhoun, Chambers, Clarke, Hale, Henry, Jackson, Lee, Lauderdale, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuskaloosa, and Wilcox, shall each elect

two representatives. The counties of Dallas and Mobile shall each elect three representatives. The county of Montgomery shall elect four representatives; and the county of Jefferson shall elect six representatives.

Approved February 4, 1891.

146]

## AN ACT

[s. 47

## To Prevent Trespass on State Lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all trespasses upon the lands belonging to the State of Alabama, the trespasser shall be liable to the same penalties for damage as are provided in cases of trespass upon the lands of private owners. Trespass on state lands

SEC. 2. *Be it further enacted*, That any person knowingly and wilfully entering upon the lands of the state and cutting any timber, or cultivating said lands, or otherwise appropriating same to private use without due or lawful authority, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars, and may be imprisoned in the county jail for not more than thirty days. Penalty

SEC 3. *Be it further enacted*, That judges of city and circuit courts are hereby required to give this act in special charge to the grand juries. Special charge to grand juries

Approved February 4, 1891.

147]

## AN ACT

[s. 52

## To Regulate the Admission of Patients in the Alabama Insane Hospital.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That when an indigent insane person, a legal resident of Alabama, shall, through ignorance or carelessness, be brought to the Alabama Insane Hospital without the proper certificates of insanity, as Admission to insane hospital

prescribed in section 1242 of the code, it shall be the duty of the probate judge of Tuscaloosa county to examine said insane person, both as to indigence and insanity, and if satisfied of both, to commit him as an indigent patient to said hospital; and it shall be the duty of the superintendent to inform the probate judge of the county of which the patient is a legal resident, of all the facts concerning said committal.

SEC. 2. *Be it further enacted*, That patients committed to the hospital under the foregoing section shall be entered upon the records for the county of which they are resident, and the officers of said county shall have full control, and pay the traveling and other expenses of said patient, as provided in sections 1248 and 1249 of the code.

Approved February 4, 1891.

148]

AN ACT

[s. 246

To authorize the mayor and Aldermen of the City of Huntsville to issue certain negotiable bonds, to an amount not exceeding twenty thousand dollars.

SEC. 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and aldermen of the city of Huntsville be and they are hereby authorized to make and issue the negotiable bonds of said city for the amount not exceeding twenty thousand dollars, the said bonds to be issued for a sum of not less than one hundred nor more than one thousand dollars each, payable within not more than thirty years to bearer or to the order of any person or corporation to whom the same is negotiated by said mayor and aldermen, at such bank or banking house in the city of New York, or any office of the treasurer of said city in said city as may be chosen by said mayor and aldermen. Said bonds shall bear semi-annual interest of not more than six per cent., payable semi-annually, and for the payment thereof coupons shall be attached to said bonds. The said bonds and coupons must be signed by the mayor of said city and countersigned by

the clerk of the board of mayor and aldermen, and must be numbered according to the order in which they are issued, and said bonds cannot be negotiated by said city for less than par.

SEC. 2. *Be it further enacted*, That all moneys derived from the negotiation of said bonds shall be applied by said mayor and aldermen to no other use or purpose than to the enlargement and improvement of the property of said city known as the "Waterworks;" or to the erection of a building to be used for a market house and city hall, or for any one or all of these purposes, as said mayor and aldermen may determine. How proceeds shall be supplied

SEC. 3. *Be it further enacted*, That to secure the payment of the principal and interest of said bonds, said mayor and aldermen of the city of Huntsville are hereby empowered to pledge or mortgage the said waterworks, and should said mayor and aldermen determine to erect said building for a market house and city hall, they are hereby empowered to pledge or mortgage the real estate upon which said building is proposed to be erected. May secure by mortgage

Approved February 4, 1891.

149]

AN ACT

[H. 87

To amend sections 2 and paragraphs 5, 7, 9 and 10 and section 4 and sections 9 and 10 of an act entitled "An act to provide for a Charter for the City of Jasper in Walker county, Alabama," approved February 6, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 and paragraphs 5, 7, 9 and 10, and section 4 and sections 9 and 10 of an act entitled "An act to provide for a charter for the city of Jasper in Walker county, Alabama," be amended so as to read as follows: Sec. 2. *Be it further enacted*, that said city shall consist of all the tracts, lots, and parcels of land which are included in the present boundaries of the city of Jasper, as incorporated under the general laws of this state on the 10th day of December, 1887; *provided* Acts amended

Boundaries

however, that the boundaries of said city may be changed as provided for by section 1516 of the code of Alabama of 1886.

Election

SEC. 2. *Be it further enacted*, That section 4 of said act be amended so as to read as follows, viz: Section 4. *Be it further enacted*, That the election for mayor and aldermen shall be on the second Monday in September, 1891, and every two years thereafter on the second Monday in September by ballot of the male inhabitants of said city of and over the age of twenty-one years, who have resided in said city for thirty days, and in the state for twelve months next preceding such election: And are qualified electors under the general election laws of this state, and are registered as hereinafter provided, and should the election not take place on the day fixed for the annual election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office till their successors shall be elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter on which day the said election shall be held; and should the mayor and aldermen fail or neglect to provide for the election as herein described, they shall be guilty of a misdemeanor and should a vacancy occur in the board by the death, resignation or removal from the city, or from any other cause, except on a contest of election as now provided by law, the remaining members of the board shall fill the vacancy at its next regular meeting after such vacancy occurs, and should the office of mayor become vacant by death, resignation, or from any other cause then it shall be the duty of the board of aldermen to elect a properly qualified citizen of the city of Jasper, who may hold the office of mayor with full powers thereto, until the next annual election.

Vacancies

Law governing elections

SEC. 3. *Be it further enacted*, That paragraph 5 of said act be amended so as to read as follows, viz: Paragraph 5. *Be it further enacted*, That said election shall be conducted according to the law governing the elections for officers under the general laws of this state except as declared in this act. But no person shall be entitled to vote at said election, unless he



possesses the qualifications mentioned in the eighth article of the constitution of this state and shall have resided in the said city for thirty days or in the ward in which he proposes to vote for thirty days and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided.

SEC. 4. *Be it further enacted*, That paragraph seven of said act, be amended so as to read as follows, viz: Paragraph 7. *Be it further enacted*, That at least twenty days before the second Monday in September on which the election is to be held, it shall be the duty of the mayor and aldermen to appoint one person of each place of registration to act as a registrar of voters, the place of registration in each ward to be appointed by the board. Said registrars shall respectively commence registration on the third Monday in August next preceding the election and shall continue the same until within seven days of said election at which time said registration shall be closed, until the day of the election at which time he must attend and register all applicants who are entitled to registration under the provisions of this act and who have not heretofore registered. Each of said registrars, shall give at least five days notice by advertisement in some newspaper published in said city of his appointment of time and place at which he will attend and make registration of voters, and should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said appointments, then the board shall appoint some other party in his stead. Before registration is made of any applicant therefor said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant is a qualified elector under the provisions of this act, and said registrars being satisfied must thereupon place the name of such applicant upon the registration list together with his color and the ward of his residence, and the number of his registration. The right of any person to be registered as a voter may be challenged in the same manner, as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city; *Provided however*, that when an applicant for regis-

Duties of  
registrar

tration is identified by any person known to the registrar who will make oath to the identity of such applicant, and such applicant will subscribe to the following oath, "I ..... solemnly swear, or affirm, that I have resided in the State of Alabama one year, in the city of Jasper thirty days, and in the ward in which I now live, thirty days, next preceding this election. That I am twenty-one years of age, and that I have never been convicted of any crime involving moral turpitude." In such event the registrar is required to furnish the said applicant the necessary certificate of registration, with the name of the person who identified said applicant, endorsed thereon; and it shall be the further duty of the registrar to carefully preserve the original registration list of the voters registered by him, and make out therefrom a list in alphabetical order of the registered voters and certify the same over his signature, and immediately after the closing of the registration lists shall deliver the said alphabetical list to the mayor of said city, and it shall be the further duty of the registrar within five days after the election to certify and deliver to the mayor of said city, said original registration list together with the list of the voters registered by him on the day of election.

Duties of  
mayor

SEC. 5. *Be it further enacted*, That paragraph 9, of said act, be amended so as to read as follows, viz: Paragraph 9. *Be it further enacted*, that as soon as practicable the mayor of said city shall cause as many corrected copies of each of said alphabetical registration lists of the city to be made as may be necessary, and shall furnish to each set of inspectors of elections one copy of the same to be used at such election, which copy shall be used by said set of inspectors as their official copy, and shall be returned with the ballots cast at such election as part of their official return as herein directed. It shall be the duty of said mayor at least one day before the election to post one of said alphabetical copies at the court house door of said county, or at some other public place in said city. The certified lists returned by the registrars after the election, as herein before provided, shall be deposited with the clerk to be preserved among the records of said city.

SEC. 6. *Be it further enacted*, That paragraph 10 of said act be amended so as to read as follows, viz: Paragraph 10. Be it further enacted, that the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered in ward in which he propose to vote, unless he presents and surrenders to the inspectors of election his certificate of registration issued to him by the registrar on the day of election. The said inspectors shall immediately after the polls are closed proceed to count the ballots cast at their respective polling places and certify the result of the election to the mayor and aldermen of said city. They shall enclose the ballots cast in their respective boxes with the poll list, and registration list of the city for that ward, and the certificates of registration surrendered at the election together with their said certificates of the result in the box in which are placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the clerk of said city, who shall give the said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

Duties of inspectors

SEC. 7. *Be it further enacted*, That section 9 of said act be amended so as to read as follows, viz: Section 9. Be it further enacted, That it shall be the duty of the mayor to preside over and keep order at the meetings of the board. He shall call special meeting of the board, whenever in his opinion the interest of the city requires it, or upon the application of two or more aldermen. He shall keep an office in said city, and hear and determine all cases of violation of all by-laws or ordinances, and punish the offenders in such manner as the board of mayor and aldermen may direct, and shall possess within the corporate limits of the city all powers and jurisdiction of a justice of the peace, in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace. From any judgment or decision of said mayor as such an appeal may be taken by the defendant if in a criminal case or by either party if in a civil case, to the next term of the cir-

Duties of mayor

## Appeals

cuit court of Walker county, Alabama. In case a defendant is convicted of a violation of a city ordinance an appeal may be taken to said circuit court upon his entering into bond with security payable to the State of Alabama for the use of the city of Jasper in such sum as the mayor may require, conditioned to prosecute such appeal to effect, and pay and discharge such judgment as the circuit court may render; *Provided*, such appeal be taken within five days from the rendition of such judgment by the mayor. The said appeal when taken shall be tried and determined de novo. And in case the bond is forfeited the proceedings for the collection of the same shall be the same as those regulating appeals from justices of the peace to the circuit court in state cases.

Powers of  
mayor and  
aldermen

SEC. 8. *Be it further enacted*, That section 10 of said act be amended so as to read as follows, viz: Section 10. *Be it further enacted*, That the mayor and aldermen shall have free and complete power first to make, adopt and declare, motions, resolutions, and ordinances in whatever manner, and upon such subjects as they see fit to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto such penalties for violation of same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both. And all persons convicted of a breach of any by-laws or ordinances failing to pay or secure such fine, may be imprisoned for such failure, or placed at hard labor for the city, until such fine and costs are paid in such manner and for such time as may be by ordinance or by-laws; provided, but in no case longer than sixty days. Second. To pass all laws and ordinances, necessary and proper, to prevent contagious and infectious diseases from being introduced into said city limits. To establish and regulate an efficient quarantine within said city, and to punish any breach of quarantine laws and to prescribe the duties, and to fix the salaries and compensations of all such health officials as they may deem necessary, under the existing health laws of the state. Third. To prevent and remove all nuisances at the expense of the person causing the same, or

upon whose premises the same may be found. Fourth. To establish, set up and regulate, all hospitals, poor-houses, work houses and houses of correction. Fifth. To restrain or prohibit gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and unlawful assemblies, public indecences, disturbing religious worship, profanity and all games of sport of an immoral character. Sixth. To regulate night and day watches, police patrol and captains thereof. Seventh. To establish and control markets and market houses, and to pass by-laws and ordinances, regulating the sale of meats, vegetables and other like articles within certain places, and within certain houses. Eighth. To sink, repair and regulate public wells and cisterns, to establish and regulate public fire plugs, and hydrants, and to make all needful provisions for the supply of the city, with water, by waterworks or other wise, gas and gas lights, or other lights, and to control the same. Ninth. To establish avenues and alleys and to discontinue the same, and to regulate and control the paving, draining, repairing and curbing of streets and sidewalks, and giving the grades thereof; set out trees in streets, alleys and parks, and prescribe penalties for injuring the same. Tenth. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same, and pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch or drain the same at the expense of the owners, and to punish any refusal of such owner or person in charge of such lot or property, by fine or imprisonment, one or both. Eleventh. To establish, lay out and improve public parks and to regulate the same. Twelfth. To establish, regulate and change fire limits in said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner therefor a reasonable price, which may be determined by five arbitrators to be selected by the mayor on the part of the city and the owner of the property each selecting two of said arbitrators, and the four thus elected choosing the fifth, and in case the said mayor and the owner of the property cannot agree on said arbitrators, then the proceedings for ascertain-

Powers of  
mayor and  
aldermen

Powers of  
mayor and  
aldermen

ing the value of the same shall be the same as those in the code of Alabama of 1886, regulating *ad quod damnum* proceedings. Thirteenth. To lay out, regulate, improve and control city cemeteries and burial grounds, and for this purpose may purchase lands within or without said corporate limits, and may sell burial lots within the same. Fourteenth. To prevent and regulate the running at large on the streets all cows, hogs, dogs, asses, horses, other animals, and to pass all laws deemed necessary for the sale and impounding of said stock. Fifteenth. To establish, regulate and control free white public schools and free colored public schools in said corporate limits, either or both, to pay the teachers thereof and to organize and establish such schools in connection with other schools established and organized under the direction of the board of education of this state, on such terms as may be agreed upon by them or any other school independently of said board of education; *Provided*, that no more than one-tenth of the gross general revenue of said city shall be applied to the support of such public schools; *Provided further*, that they may prescribe the terms upon which the children of non-residents of said corporate limits may be admitted to the said schools. Sixteenth. To regulate and control the building of street railways on the streets, avenues and alleys of said city, and the running of cars thereon, and to regulate and control the running of cars or locomotives upon or across the streets, avenues and alleys of said city, and to regulate the speed of such cars, engines, or trains within the corporate limits of said city. Seventeenth. To pass all laws necessary and proper for the arrest and bringing to trial of any person against whom there is a charge made of violating any city or state laws, to pass all laws needful for the issuance and execution of such warrants. Eighteenth. To make and ordain all laws necessary concerning peddlers, paupers, vagrants and persons of disorderly habits, and all persons convicted of the breach of the by-laws and ordinances of said city, failing to pay such fine and costs as may be imposed by the mayor, or acting mayor, may be placed at hard labor for the city or imprisoned until such fine and costs are paid, not exceeding



sixty days. Nineteenth: To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate the same. To enact all ordinances to prohibit the wearing any uniform adopted by the police force of the city by any person except those belonging to the police force under a penalty of fine and imprisonment at hard labor on the streets, either or both at the discretion of the board of mayor and aldermen. Twentieth: To punish all persons, who in any manner obstruct the marshal, captain of police or any policeman or other officers in the arrests of any person in said corporate limits, and for the punishment of any or all persons, who, when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or when summoned to act as patrol, refuses to act. Twenty-first: The said mayor and aldermen, shall have power to pass and establish inspection laws, to erect public scales, to appoint weighers and fix fees for weighing to be paid by the buyers or sellers, and may lease said scales for a term not exceeding twelve months at one time. Twenty-second: Said board of mayor and aldermen shall have power to pass by-laws, ordinances and resolutions, providing for grading, paving, curbing, and keeping in repair the side-walks, and for planting and removing shade trees on side-walks or parks in such manner as shall not be inconsistent with the constitution of this state. Twenty-third: Said board of mayor and aldermen shall have power and authority to contract with any person or persons, or association of persons or corporation to grade or pave streets, avenues, and alleys to construct and repair sewers, to light said city and buildings used for city purposes, with gas, electric, or other lights, one or more; to supply said city with water and regulate the conveyance and distribution of water throughout said city; and generally to do every matter and thing for the good and welfare of said city, not inconsistent with the constitution and laws of the State of Alabama. Twenty-fourth: Said board of mayor and aldermen shall have authority to levy and collect from all persons or corporations trading and carrying on any business, trade or profession by agent or otherwise in said corporate limits a license tax on said business, trade,

Powers of  
mayor  
aldermen

profession or calling, except mechanics who employ no capital but conduct their trade solely by their own skill, labor and attention, without employees; *Provided*, That no license tax shall exceed the sum of five hundred dollars; to levy, assess and collect each year taxes on all real and personal property, not to exceed one-half of one per centum of the value of such property as assessed for state taxation during the preceding year; *Provided*, That when said assessor shall have completed the assessment for said city taxes he shall return the same to the board of mayor and aldermen; *Provided, further*, That all property used exclusively for charitable, religious and educational purposes or either of them, and all public parks, shall be exempt from taxation from said city.

Laws in conflict repealed

SEC. 9. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 4, 1891.

150]

AN ACT

[H. 137

To provide for the teaching in the Public Schools, of Physiology and Hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

Effects of alcoholic drinks, etc to be taught

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in addition to the branches in which instruction is now given in the public schools, instruction shall also be given as to the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of relative physiology and hygiene, and such subjects shall be taught as regularly as other branches are taught in said schools. Such instruction shall be given orally from a text book in the hands of a teacher to the pupils who are not able to read; and shall be given by the use of text-books in the hands of the pupils in case of those who are able to read, and such instruction shall be given as afore-

said to all pupils in all public schools in the state to all the grades until completed in the high schools.

SEC. 2. *Be it further enacted*, That no certificate shall be granted hereafter to any new applicant to teach in the public schools of Alabama, who has not passed a satisfactory examination in the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene. Examination of teachers

SEC. 3. *Be it further enacted*, That this act shall take effect on and after the 20th day of September, 1891. When act takes effect

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Laws in conflict repealed

Approved February 4, 1891.

151]

AN ACT

[H. 508

To amend sections 1, 5, 8 and 13 of an act to regulate the practice and proceedings in civil cases in the Circuit Court of Jefferson county, in this state, and in Supreme Court on appeal from judgments rendered in said cases, approved February 28, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 1, 5, 8, and 13 of an act, to regulate the practice and proceedings in civil cases in the circuit court of Jefferson county in this state, and in supreme court on appeal from judgments rendered in said cases, approved February 28, 1889, be amended so as to read as follows: Section 1. In all cases commenced in the circuit court of Jefferson, Lauderdale, Colbert and Franklin counties in this state by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time, or vacation, and in all cases commenced by attachment, the defendant shall appear and demur Rules of practice in civil suits

or plead within thirty days after the levy of the attachment and service, or notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected, by such publication; and in all other cases, the defendant must appear and plead or demur within thirty days after the perfection of service upon him, and in all cases whether commenced by summons and complaint, attachment or otherwise, any defendant failing for more than thirty days after service has been perfected upon him to appear and demur or plead, shall be held to be in default, and at any time thereafter, judgment by default, on motion of the plaintiff, may be rendered against him; *Provided however*, that the court may for good cause shown, allow such judgments so obtained by default to be set aside, and demurrer or pleas to be filed, on such terms as the court may think just; but no application to set aside such judgment unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit made by the defendant or his agent or attorney to the effect, that in the belief of the affiant, the defendant has a lawful defense to such suit. Section 5. In all cases, whether commenced by summons and complaint, attachment or otherwise, the issues and questions of facts shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by any other person interested in such issue or question at the time he appears; such demand must be made by the plaintiff or party occupying the position of plaintiff, by indorsing the same in writing upon the summons and complaint, attachment, petition, claim or other paper filed by him, for the purpose of instituting such suit, or when he intervenes without suing out process upon the pleading or paper filed by him for the purpose of presenting such issue or question of fact, and by the defendant or other party occupying the position of defendant, including garnishees, by indorsing such demand in writing upon the demurrer, plea, answer, or other pleading

Juries in  
trials

filed by him; and when a cause is transferred to said court from any city court in the county, having jurisdiction thereof, it shall be tried by the court without a jury unless at the time of the application made for such transfer, a demand for a trial by a jury be made in writing and filed in said cause; and in all cases brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals the issues and questions of fact shall be tried by the court without a jury, unless a demand for a trial by jury be made in writing, and filed in the cause by the party taking the appeal or suing out the certiorari at the time of taking or suing out the same, or by the opposite party within thirty days after he has been served with notice of the appeal or certiorari. Section 8. That cases which are now or which may hereafter be pending in said court may be by the consent of the parties thereto, transferred to any city court in the county having jurisdiction thereof, which court shall thereupon proceed and dispose of the same as if they had originally been instituted in said city court; and in like manner cases may be transferred from the city court to the circuit court by the consent of the parties thereto, and the clerk of the court from which said causes shall be so transferred shall deliver all the papers, pleading and evidence pertaining to said causes, together with a certified transcript of all minute entries made therein, to the clerk of the court to which said cause shall be transferred. Section 13. That the provisions of this act shall not apply to the trials of parties charged with misdemeanors or other crimes, whether commenced in said court or brought thereto by appeal: nor shall they apply to the trial of cases brought to said court by appeal from the judgment of the mayor of any city or town, for the violation of any municipal ordinance.

Transfers  
from one  
court to  
another

Trials does  
not apply to

Approved February 5, 1891.

To authorize the commissioners court of Russell and Shelby counties to lay off said counties into four commissioners districts and to provide the manner of electing the county commissioners.

Four districts SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Russell and Shelby counties are authorized and they are hereby required to lay off said counties into four commissioners districts as nearly equal in population as may be practicable.

One commissioner for each district SEC. 2. *Be it further enacted*, That the qualified voters of Russell and Shelby counties at the election for state officers every four years shall elect one commissioner for each district, whose term of service shall commence at the expiration of the term of the present incumbents, and continue for four years except as herein provided, and said commissioners shall reside in the district for which they are elected; *Provided*, That the term of office for two of said commissioners to be elected at the August election, 1892, shall cease at the expiration of two years from their election, and at the August election, 1894, their successors shall be elected whose term of office shall continue for four years.

Two commissioners for two years SEC. 3. *Be it further enacted*, That said commissioners court shall designate in the order dividing said counties into commissioners districts, the two districts in which the commissioners shall be elected for the term of two years as herein provided.

Laws in conflict repealed SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 4, 1891.

To amend section 1, of an act protecting game and animals and birds in the counties of Hale and Cullman and Greene, so far as the same applies to Hale county, approved February 27, 1889.



SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act to amend an act entitled an act for the protection of game and animals and birds in the counties of Hale and Cullman, and Greene approved February 27, 1889, so far as the same applies to Hale county be amended so as to read as follows: Section 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act for the preservation of game and animals and birds in the counties of Hale, Cullman and Greene," approved February 26, 1887, be amended so far as the same relates to Hale county so as to read as follows: Section 1. That it shall be unlawful at any place in the county of Hale to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the first of February and the first of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any wild turkey between the first day of May and the fifteenth of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any quail (sometimes called partridge) between the fifteenth of March and the first day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove between the fifteenth of March and the fifteenth of July; and it shall be unlawful at any and all seasons to catch, kill or injure, or pursue with like intent, any mocking-bird; and it shall be unlawful at any time and all seasons to trap or net any quail sometimes called partridges; *Provided*, That it shall be lawful to trap quail (sometimes called partridges) in beats 11 and 13 and 14 of the said county of Hale between the first day of November and the fifteenth day of March.

General law  
amended as  
to Hale

Approved February 4, 1891.

154]

AN ACT

[H. 372

To amend the Caption and Sections One (1) and Eight (8) of an act entitled an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in Beat No. Five, and in

Beat No. Eight in Butler county, and to prescribe a rule of damages and rules of protection in the trial of cases under this act. Approved February 18, 1889.

Caption  
amended

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the caption of an act to prevent horses, mules, asses, cows, hogs, sheep and goats from running uncontrolled on crops in Beat No. five and Beat No. eight, in Butler county, and to prescribe a rule of damages and rules of protection in the trial of cases under this act, approved February 18th, 1889, be and the same is hereby amended so as to read as follows, to-wit: An act to prevent horses, mules, asses, cows, hogs, sheep or goats from running uncontrolled on crops in Beat No. (5) five, Beat No. ten (10) and in all that part of Beat No. seven (7), described as follows and included within the following boundary lines to-wit: Beginning at the boundary line between Butler and Lowndes counties near the residence of Mrs. Anna Bush, and running south and taking in the farms of Mrs. Anna Bush and James Barganier; thence running east taking in the farms of John Cheatham, Daniel Tally, J. F. Sanders, Henry Harrison, W. H. Zeigler and Wm. Glover, and intersecting the stock law lines of Beat No. five (5) near Wm. Glover's, the said described territory being all of said Beat No. seven (7) north of said described line in the county of Butler, and to prescribe a rule of damages and rules of protection in the trial of cases under this act, and to provide for fencing around said Beats No. 5, 10 and fractional part of Beat No. 7, in said county of Butler.

Boundary  
lines

SEC. 2. *Be it further enacted*, That section one of said act be amended so as to read as follows: Sec. 1. *Be it further enacted by the General Assembly of Alabama*, That in the county of Butler, beat five (5) and beat ten (10), and all that part of Beat No. seven (7) described as follows and included within the following boundary lines, to-wit: Beginning at the boundary line between Butler and Lowndes counties near the residence of Mrs. Anna Bush and running south and taking in the farms of John Cheatham, Daniel Tally, J. F. Sanders, Henry Harrison, W. H. Zeigler and Wm. Glover, and intersecting the stock law line of Beat No.

five (5) near William Glover's, the said described territory being all of said Beat No. seven (7) north of said described line in the county of Butler, and to prescribe a rule of damages and rule of protection in trial of cases under this act, and to provide for fencing around Beats No. 5, 10 and fractional part of Beat No. 7 in said county of Butler, it shall not be lawful for the owner of any horse, mule, ass, cow, sheep, hog or goat, or other beast, to permit such animal or beast to go at large off the premises of such owner, and the owner of any such beast or animal permitted thus to go at large shall be liable to the person injured for all damages done to the land or crop of any person in said beat, to be recovered before any court of competent jurisdiction, and the fact of such damages shall create a lien on the animal or beast which commit the same from the time the damage was committed; *Provided*, that the judgment of such court shall be for the amount of such damage and lien, and that if no suit therefor is begun within ten days from the time the damage was committed, the lien for the same on the beast or animal shall cease to exist.

SEC. 3. *Be it further enacted*, That section 8 of said act be amended so as to read as follows: Sec. 8. Be it further enacted, That this act shall not take effect until after the citizens living in said beats 5, 10 and that part of beat 7 mentioned and described in the 1st section of this amended act shall have erected a lawful fence between said beats and part of beat 7, and the lands in other and adjoining beats in Butler county and the county line of Wilcox county, and the provisions of this act shall not continue in force when the citizens of said beats 5 and ten and part of beat 7 fail to keep in repair said line fences; *Provided further*, That for the purpose of building and keeping in repairs the fences herein provided for the commissioners court of said county of Butler shall have power and authority to levy a special tax on the real estate lying in the territory embraced in the provisions of this act, sufficient for the purpose of building and keeping up a line fence between said described territory and that of adjoining beats in said county of Butler and not embraced in this act, and such special tax as may be levied by the

When act  
takes effect

Special tax

commissioners court of said county shall be assessed and collected by the officers now authorized by law to assess and collect the state and county taxes of said county and in the same manner, and under the same law as is provided for the collection of county taxes in said county, and the tax collector of said county shall collect said special tax and pay the same over to the county treasurer of said county, who shall hold the funds separate and apart from all other funds, and the funds collected from each of the beats shall be kept separate and apart from the other, and shall be paid out by him under warrants to be issued by the commissioners court only for the purposes named in this act, and said commissioners court shall have authority and the power to employ any person or persons to build and keep up such fences as are authorized by this act, and to draw warrants on the county treasurer for payment of the same. to be paid for out of the funds which have been levied and collected or to be levied and collected for such purpose. All laws in conflict with the provisions of this act are hereby repealed.

Laws in conflict repealed

Approved February 5, 1891.

155 ]

AN ACT

[H. 692

For the Relief Burwell Y. Burns, of Choctaw county, Alabama.

Relief

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the claim due Burwell Y. Burns from Reuben Harmon for the sum of one hundred and eighty 90-100 dollars shall be a lawful claim against the fine and forfeiture fund of Choctaw county, Alabama, and on his having the same registered by the county treasurer of said county against said fund within three months after the passage of this act, it shall be the duty of said treasurer to pay the same out of the funds received by him on account of said fine and forfeiture fund.

Approved February 4, 1891.

156]

AN ACT

[s. 243

To authorize the Court of County Commissioners of DeKalb county to issue bonds of said county to an amount not exceeding thirty thousand dollars, and to dispose of the same for the purpose of securing means for building a court house, and providing the same with suitable furniture, and for building an addition to the county jail of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That for the purpose of securing the means for building a court house and furnishing the same with suitable furniture and for building an addition to the county jail, for DeKalb county, the court of county commissioners for said DeKalb county is hereby authorized and empowered to issue and dispose of bonds of said county to the amount of thirty thousand dollars or so much thereof as said court may deem necessary, payable in twenty years from date of issuance, or at any time after five years and within twenty years from said date of issuance, at the option of said court, with interest coupons attached, said bonds to bear interest at the rate of not greater than six per cent per annum, payable semi-annually on the first day of January and July of each year, and receivable in payment of county taxes.

Authority to  
issue bonds

SEC. 2. *Be it further enacted*, That said bonds may be issued in such sum or sums, and shall be payable at such place or places, as said court shall direct. They shall not be valid until signed by the county treasurer, and countersigned by the judge of probate of said county, with the seal of said probate court thereon affixed; the said county treasurer shall keep a correct account of all bonds issued and disposed of under this act.

Duties of  
judge of pro-  
bate and  
county treas-  
urer

SEC. 3. *Be it further enacted*, That said court of county commissioners is hereby authorized, by majority vote, to do any and all things necessary to carry into effect the provisions of this act, at any term of said court, whether regular or special, and if done at a special term of said court its proceedings shall be valid to all intents and purposes as if done at a regu-

Authority of  
county com-  
missioners

lar term, and no informality, irregularity, neglect or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds or coupons, which shall be negotiable, and shall have all protection and properties of commercial paper.

Special tax.

SEC. 4. *Be it further enacted*, That said court is hereby authorized to levy a special tax from time to time as may be necessary to pay the interest on said bonds and to pay the principal at maturity.

Approved February 5, 1891.

157]

AN ACT

[s. 232

To authorize the Intendant and Council of the Town of Highlands in the county of Jefferson to issue bonds of said town for an amount not exceeding seventy-five thousand (\$75,000) dollars, for the purpose of building and constructing sewers and making other permanent improvements in said town, and paying off floating debt of said town.

Authority to  
issu bonds SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of Intendant and Councilmen of the town of Highlands be and they are hereby authorized to issue bonds of said town of Highlands to an amount not exceeding seventy-five thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named, in denominations of not less than one hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached bearing interest at a rate not exceeding six per cent. per annum, and payable semi annually to bearer; said bonds and coupons being payable in gold of the present standard weight and fineness, in the city of New York, at some bank designated by the board.

By whom  
signed

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the intendant and countersigned by the treasurer of said town, and the seal of the town shall be affixed thereto, and the town treasurer must keep a



correct record and account of all bonds issued and disposed of under this act.

SEC. 3. *Be it further enacted*, That said intendant and councilmen of the town of Highlands, are hereby authorized to do any all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof shall be receivable for all dues to the town in the way of taxes and otherwise.

Authority to  
carry out  
powers

SEC. 4. *Be it further enacted*, That said intendant and councilmen of said town are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town, to be used and applied in building and constructing sewers, streets and avenues in said town, and in extending the sewer mains leading from said town to such point as the board may deem advisable, and in paying whatever floating or outstanding debt said town may have at the passage of this act, not to exceed five thousand (\$5,000) dollars, and in paving or macadamizing the streets of said town, and in building school houses and furnishing the same.

How pro-  
ceeds to be  
applied

SEC. 5. *Be it further enacted*, That the use, payment and application of said money shall be under the direction of said board of intendant and councilmen of the town of Highlands, and the said treasurer shall be responsible for the safe-keeping of the proceeds arising from the sales of said bonds, which may come into his hands, in his official capacity, the same as for other city funds, and there shall be no commissions paid said town treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

Treasurer re-  
sponsible

SEC. 6. *Be it further enacted*, That the bonds herein provided for shall have priority over all bonds of said town hereafter to be issued, and it shall be the duty of said intendant and councilmen of the town of Highlands to provide for the payment of the same, principal

Provisions  
for payment

and interest, before providing for the payment of bonds which may hereafter be issued by said town.

Approved February 5, 1891.

158]

AN ACT

[s. 116

To regulate the trials of misdemeanors in Lawrence county.

Jurisdiction  
of county  
court

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of Lawrence county shall have concurrent jurisdiction with the circuit court of said county for the trial of all misdemeanors committed in said county.

Duty of judge  
of circuit  
court

SEC. 2. *Be it further enacted*, That the presiding judge of the circuit court of said county at each succeeding term, shall enter on the minutes of said court, on the day of adjournment, an order requiring the clerk of the circuit court to deliver to the judge of the county court of said county all indictments presented or filed in the circuit court against persons charged with the commission of misdemeanors; and after the making of such order the jurisdiction of the circuit court shall cease and exclusive jurisdiction shall vest in the county court.

Duty of  
clerk of cir-  
cuit court

SEC. 3. *Be it further enacted*, That it shall be the duty of the clerk of circuit court of said county to enter the cases transferred as hereinbefore mentioned on the docket of said county court, to deliver to the judge thereof all papers belonging to them, to attend the terms of said county court, and to keep a book in which must be entered the minutes of each days proceedings during the session of the court, and the orders and judgments in the order in which they are made or rendered, and to make a record of the proceedings in said causes so transferred as required by law to be kept of such causes in the circuit court, and, in cases where arrests have not been made, to issue capias forthwith returnable to the first day of the next term of the county court, and on application of either party to issue subpoenas for witnesses in said

causes so transferred, and certify the attendance of witnesses as in the circuit court.

SEC. 4. *Be it further enacted*, That it shall be the duty of the judge of the county court to hear counsel and decide their causes without a jury, if the defendant waive a jury, which waiver must be entered of record, but if a jury is demanded at a non-jury term, the cause must be continued to the next succeeding jury term of said court. Duty of judge of county court

SEC. 5. *Be it further enacted*, That whenever as now provided by law, the jury commissioners of Lawrence county shall meet to draw juries for the circuit court, the said jury commissioners as now provided by law, shall draw two juries to serve as jurors for the county court of said county; said juries shall consist of twenty-four names each, to be numbered and endorsed as jury No. 1, and No. 2, respectively, who shall be summoned to serve as jurors for said county court in case one is demanded in the order of their number, and to be summoned as now provided by law, said jurors to be paid as in the circuit court; *Provided*, that said jurors shall not be summoned until the judge of said county court shall notify the sheriff in writing that a jury is needed. Juries

SEC. 6. *Be it further enacted*, That all proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest shall be the same as those provided for by law of sections 4212, to 4217 inclusive of the code of 1886, and in all cases transferred as above, conditional judgments may be set aside, reduced or made absolute and the same orders and judgments had and taken in the circuit court, had been made and rendered at prior terms of the county court. Proceedings

SEC. 7. *Be it further enacted*, That the defendant in all cases whether tried by the court on waiving a jury or by a jury shall have the right to appeal to the supreme court only, and may reserve, by bill of exception, any questions of law arising in any of the proceedings in like manner, and form, as provided for in similar cases in the circuit court, by sections 4508 to 4523, inclusive, of the code of 1886. Appeals

SEC. 8. *Be it further enacted*, That if in any

Special  
judge

case the county judge shall be legally disqualified to try, hear or render judgment in such cause, the solicitor or other prosecuting officer, and the defendant or defendants, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge, to sit as a court and to hear, decide and render judgment in the same manner, and to the same effect, as the judge of the county court, sitting as a court might do in the same case. If the prosecuting officer, and the defendant or defendants do not agree upon a special judge, the clerk of the circuit court of said county shall appoint the special judge who shall preside, try, and render judgment as in this section provided.

Deputy so-  
licitor

SEC. 9. *Be it further enacted*, That the solicitor of the judicial circuit, including said county, shall appoint a deputy solicitor who shall reside in the county and shall prosecute for the state all cases therein, and for so doing he shall receive the same fees as for similar services in the circuit court, to be collected and paid in the same manner as now provided by law in the county court.

Terms  
monthly

SEC. 10. *Be it further enacted*, That the terms of the county court, for the county of Lawrence, shall be held every month at the court house of said county, commencing on the third Monday in each month; the regular jury terms shall be held on the third Monday in January and the third Monday in July, and each term to continue until the business is disposed of.

Compensa-  
tion of of-  
ficers

SEC. 11. *Be it further enacted*, That the compensation of the sheriff, the judge of the county court, and the clerk of the circuit court, for services therein rendered, shall remain as now fixed by law.

Commence-  
ment of  
prosecutions

SEC. 12. *Be it further enacted*, That prosecutions may be instituted or commenced in said county court as is now provided by law in county court to be thereafter subject to the provisions of this act.

Appeals from  
justice of  
the peace  
court

SEC. 13. *Be it further enacted*, That all appeals by defendants from trials in criminal cases for misdemeanors from justices of the peace, or notaries public with the powers of justice of the peace, shall be taken to the county court.

SEC. 14. *Be it further enacted*, That all laws and

parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Laws in conflict repealed.

Approved February 6, 1891.

159]

AN ACT

[s. 57

To create a Board for the Equalization of Tax Assessments on property within the City of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be and is hereby created Board of equalization a board for the equalization of tax assessments on property within the city of Montgomery, to consist of the members of the board of revenue of Montgomery county and four members to be elected by the city council of Montgomery. The members so elected by said city council to hold office until the next regular election of officers for said city, and thereafter such election shall be held by said council every two years.

SEC. 2. *Be it further enacted*, That it shall be the duty of said board of equalization to meet in the office of the county board of revenue on the second Monday of August in each year (or at such other time as such board of revenue is required to meet for such purposes) and hear and determine objections made to assessments on property within the said city of Montgomery according to the evidence adduced, unless further time is allowed by such board. The president of said county board of revenue shall be the president of said board of equalization, and the clerk of said board of revenue shall be the clerk of said board of equalization; and at the meetings of said board of equalization the clerk shall lay before it the book or docket kept by said board of revenue, containing the tax assessment for said county and objections thereto by taxpayers, and the same proceedings shall be had by said board of equalization and the same powers exercised as to the assessments of property within said city as are had and exercised by said board of revenue in respect of other assessments of property in Montgomery county.

SEC. 3. *Be it further enacted*, That the tax as-

Duties of tax  
assessor

essor of said county shall attend the meetings of said board of equalization while the board is engaged in hearing and correcting assessments, and said board may hold such adjourned or special meetings as it may deem necessary, all special meetings to be called by the president or any two members of said board.

Compensa-  
tion

SEC. 4. *Be it further enacted*, That said city council may provide for such compensation to be paid to the members of said board elected by it, as it may deem proper, the same to be paid out of the revenues of said city.

Effect of this  
act

SEC. 5. *Be it further enacted*, That nothing in this act contained shall be construed as to repeal or alter any law pertaining to the board of revenue of Montgomery county, except in so far as the same is inconsistent with this act.

Approved February 5, 1891.

160]

AN ACT

[s. 341

To Relieve Helen E. Lewis, of Hale county, of the disabilities of non-age.

*Whereas*, Helen E. Lewis, of Hale county, is under the age of eighteen years, and has a small estate; and

*Whereas*, The chancery court is without jurisdiction to relieve her of the disabilities of non-age; and

*Whereas*, It is important for her to have the control of said estate,

Relief

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That said Helen E. Lewis be and she is hereby relieved of the disabilities of non-age, and shall have the right to sue and be sued, contract and be contracted with, and generally to do and perform all acts which she could lawfully do if twenty-one years of age.

Approved February 5, 1891.



161]

AN ACT

[s. 20

To change the time of electing Commissioners of Lee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That within ten days after the result of the general election in 1892 shall have been ascertained, it shall be the duty of the sheriff, clerk of the circuit court, and register in chancery for Lee county, to write upon four strips of paper of the same size and quality the names of the four commissioners elected and place the same, together with four blank strips of paper of the same size and quality as those upon which the names of the four commissioners are written, in a hat or box, and after properly covering the same, the register in chancery shall, in the presence of the sheriff and circuit clerk, proceed to draw from said hat or box until he has drawn the names of two commissioners, whose term of office shall be for only two years, and declare the results thereof. County commissioners  
term of office

SEC. 2. *Be it further enacted*, That at the general election in 1894, and every two years thereafter, there shall be elected in the said county of Lee two commissioners whose term of office shall be four years, as now by law prescribed. Election

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Laws in conflict repealed

Approved February 5, 1891.

162]

AN ACT

[s. 78

To provide for bells at Public Ferries in Wilcox county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the owner of every public ferry in Wilcox county, shall put upon each side of the river at his ferry, a bell of sufficient size to be heard at the distance to which the back water usually extends; that Bells on each  
side

said bell shall be erected in such a manner as to be above the height of the usual freshets, and shall be securely hung, and furnished with a rope which shall be accessible to travelers.

Penalty for failing to comply  
 SEC. 2. *Be it further enacted*, That any person failing to comply with the provisions of section 1 of this act shall be guilty of a misdemeanor, and upon conviction may be fined not more than fifty dollars, or imprisoned in the county jail, or sentenced to hard labor for the county for thirty days, one or both.

Penalty for interfering with  
 SEC. 3. *Be it further enacted*, That any person, unlawfully, mischievously or improperly interfering with the said bell, or ringing the same, except for the purpose of calling the ferryman, shall be guilty of a misdemeanor, and upon conviction may be fined not more than fifty dollars or imprisoned in the county jail, or sentenced to hard labor for the county for sixty days one or both.

Approved February 5, 1891.

163]

AN ACT

[s. 224

To require the commissioners court of Sumter county to appropriate money from the general fund of the county, from which to pay the claims against the fine and forfeiture fund of said county, and to provide the manner of such payment.

\$2,500.00 annually  
 SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Sumter county shall hereafter appropriate from the general fund of said county the sum of two thousand five hundred dollars per year for the next five years, with which to pay the claims against the fine and forfeiture fund of said county.

Advertise for bids  
 SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioners court at least three weeks prior to the first Monday of April, September and December of each year during the five years, to advertise for three weeks previously, at the court-house of said county, notifying all persons holding registered claims

against said fine and forfeiture fund, that open bids will be received by the probate judge, until and on such Monday, until 12 o'clock for the same, and shall state in said advertisement the amount of money on hand to be appropriated to such payment, and shall also state the amount of claims outstanding registered against such fund. The amount so appropriated by said court for each time shall be \$833 33 $\frac{1}{3}$ , and the money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds insufficient to pay all of their claims, the money shall be awarded to such claims in the order of their registration, beginning with the oldest; *Provided*, That the commissioners court shall have the right to reject any and all bids if they see fit. When the biddings are closed, and the money awarded, the judge of probate shall issue warrants to the persons entitled thereto upon receipt and surrender of their claims, or a proper voucher if the same is not paid in full, which said claim so surrendered shall be forthwith delivered by the said probate judge to the county treasurer for cancellation and making proper entry on the registration book.

Settlement of  
claims

SEC. 3. *Be it further enacted*, That this act shall not be so construed as to repeal the act approved February 24, 1881, acts 1880-1, page 280, and the act approved February 22, 1883, acts 1882-83, page 523, in reference to the fine and forfeiture fund of said county.

Effect of this  
act

Approved February 5, 1891.

164.]

AN ACT

[s. 42

To amend section 3403 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3403 of the code be, and the same is hereby amended so as to read as follows: 3403. Notice of appeal to be served on appellee.—The justice must also issue a notice to the appellee that

Notice of ap-  
peal

Notice of ap-  
peal

such appeal has been taken, which must be executed by personal service on him, his agent or attorney, five days before the return term of the appeal, and must be returned by the constable to the clerk of the court to which the appeal was taken, on or before the second day of the term; but if the appellee moves out of the county or state after the appeal is taken, or absconds or secretes himself so that notice cannot be served upon him, it shall be the duty of the constable to execute such notice by leaving a copy at his residence or late residence, and by posting the same in front of the court-house door of the county in which the justice trying the case resides, and return the facts to the clerk of the court to which the appeal was taken, on or before the second day of the term.

Approved February 5, 1891.

165]

AN ACT

[s. 33

To incorporate the Alabama Methodist Orphanage.

*Whereas*, The annual Alabama conference of the Methodist Episcopal Church, South, and the North Alabama Conference of the Methodist Episcopal Church, South, acting by five commissioners each, appointed at their respective sessions held in the latter part of the year 1889, have established in the town of Summerfield, in the county of Dallas, in the State of Alabama, the "Alabama Methodist Orphanage," which is intended to provide a home, support, maintenance, education and business training for all white orphan children who may be admitted into the said "Alabama Methodist Orphanage."

*And whereas*, The purposes contemplated by the said two conferences in establishing the said "Alabama Methodist Orphanage" can be accomplished better through the agency of a corporation whose board of directors shall be chosen by said conferences—five members chosen by each conference; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John W. Newman, Thomas G. Slaugh-

ter, Robert A. Timmons, ministers; Andrew C. Har-  
grove and William S. Brown, laymen, residing within  
the said North Alabama Conference; and Archelus H.  
Mitchell, Oliver R. Blue, James M. Tallon, ministers;  
Horace H. Stewart and Pleasant G. Wood, laymen,  
residing within the said Alabama Conference, and their  
successors, be, and they are hereby declared to be a  
body corporate under the name "Alabama Methodist  
Orphanage," having the powers and authority herein  
granted to said corporation, that the business and  
affairs of said corporation shall be conducted and car-  
ried on by a board of directors, consisting of the ten  
corporators above named, and their successors; that  
whenever a vacancy shall occur in the said board of  
directors below ten, by death or resignation, or by  
removal from the conference within which he resided  
at the time he became a director or by any other cause,  
the conference whose number of directors has thus been  
reduced below five, shall fill such vacancy at its next  
session; that six members of the board of directors  
shall constitute a quorum for the transaction of busi-  
ness; that meetings of the board of directors may be  
held at any place in the State of Alabama, and at such  
times as may be appointed by said board of directors;  
that meetings of the said board of directors may be  
called by the president of said board, upon the written  
request of three other members of the said board; said  
called meetings to be held at such places and times as  
may be designated in said written request, and notice  
thereof shall be published at least ten days prior to  
any called meeting in the newspaper in the State of  
Alabama published under the auspices of the said two  
conferences: That at the first regular meeting in each  
year, the said board of directors, shall elect one of its  
members as its president; and it may elect such other  
officers, from time to time as it may think proper, in-  
cluding an executive committee to consist of three  
members of the board of directors; and it may pre-  
scribe the duties of the officers and committees elected  
by it.

Alabama  
Methodist  
orphanage

Directors

Vacancies

Quorum

Meetings

Officers

SEC. 2. *Be it further enacted*, That the said cor-  
poration shall have power and authority to sue and be  
sued; to acquire title to real estate by purchase, lease,

Powers of  
corporation

gift and any other method by which a natural person may acquire title to real estate; to own, hold, use, mortgage, lease, rent and sell real estate, and do anything with real estate that a natural person may do with real estate owned by him; to acquire any kind of personal property by purchase, gift, and any other method by which a natural person may acquire personal property; to own, hold, use, mortgage and sell any kind of personal property, and do anything with personal property that a natural person may do with personal property owned by him; to acquire money by gift, sale of real estate or personal property, or by any other method by which a natural person may acquire money; to own, hold, use and lend money, and do anything with money that a natural person may do with money; to acquire promissory notes, bonds, mortgages, and other evidences of debt, by purchase, gift, subscription and any other method by which a natural person may acquire the same; to collect money due on promissory notes, bonds, mortgages and any other evidences of debt, just as a natural person may do; and generally, to have and exercise all the powers and authority that a natural person may have and exercise, in respect to the acquiring, holding, using and disposing of real estate, personal property, money, promissory notes, bonds, mortgages and other evidences of debt.

Location      SEC. 3. *Be it further enacted*, That the said corporation shall have power to establish, maintain and carry on in the town of Summerfield, in the county of Dallas, in the State of Alabama, an institution to be called the "Alabama Methodist Orphanage," for the purpose of providing a home, support, maintenance, education and business training for all white orphan children who may be admitted as inmates into said institution; and to employ such agents, superintendents, matrons, Agents, teachers, etc teachers and other employees as may be necessary, from time to time, to carry out the purposes contemplated in the establishment of the said institution; and to prescribe rules and regulations for the admission, retention, management, government, discipline, dismission and discharge of orphans admitted into said Rules institution; and to exercise such control and authority over the inmates of said institution as a parent may



exercise over his child, or a guardian may exercise over his ward; and to establish, maintain and carry on, in connection with such institution such workshops, manufactories, and other business enterprises as it may deem proper, and as will give reasonable and healthful employment to the inmates of said institution, and as will qualify them to make a maintenance and support for themselves, after they shall have been discharged from said institution; but no child under fifteen years of age shall be required to work in any such shop, manufactory or other business enterprise work than six hours a day; and no child over fifteen years of age shall be required to work therein more than eight hours a day; and to permit any respectable and suitable white person of good moral character to adopt, under the laws of this state, any girl or boy under its control, if it shall think the interests of said boy or girl will be subserved thereby; and to permit any respectable and suitable white person of good moral character to take into his or her custody and control any boy or girl, for the purpose of giving to said boy or girl a home, maintenance, support, education and business training; but the person taking the custody and control of any boy or girl shall enter into a written contract to give to said boy or girl a good home, maintenance, support and English education; and the said corporation shall have the right to resume the custody and control of said boy or girl whenever it thinks the good of said boy or girl will be subserved thereby.

Work shop

May permit  
orphans to  
be adopted

SEC. 4. *Be it further enacted*, That the real estate in and near Summerfield, in Dallas county, on which is situated the Alabama Methodist Orphanage, and other buildings, connected therewith, and other real estate elsewhere that may hereafter be donated to said corporation to enable it to carry on its said orphanage, shall be exempt from all taxation so long as said property, or the rents, income and profits thereof, are used in maintaining and carrying on said orphanage.

Real estate  
exempt from  
taxation

Approved February 5, 1891.

166]

AN ACT

[s. 187]

An act to define a Lawful Wire Fence in Wilcox and Sumter counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, any fence made of three wires, fastened to trees or posts, which trees or posts shall not be over ten feet apart, shall be a lawful fence so far as mules, horses and cattle are concerned, providing the wires are not over fifteen inches apart, and the top wire shall be at least four feet from the ground; *Provided, further*, that above the top wire, shall be erected a wooden plank not less than three inches wide, or poles, to be securely fastened to trees or posts.

SEC. 2. *Be it further enacted*, That any fence made of seven wires, securely fastened to trees or posts, not over eight feet apart, shall be a lawful fence against any stock, whatsoever, providing that above the top wire shall be erected a wooden plank, not less than three inches wide or poles, to be securely fastened to trees and posts; *Providing further*, that four wires are of four inch barb, and not over four inches apart; fifth wire not over six inches from fourth, sixth not over eight inches from the fifth, seventh and sixth fifteen inches apart.

Approved February 5, 1891.

167]

AN ACT

[S. 46]

To provide for the pay of mileage to constables and bailiffs for their attendance upon the different courts of the state in the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in addition to the per diem pay now allowed by law to constables and bailiffs for waiting upon the different courts of the state, that they shall receive the same mileage and ferriage as the jurors attending upon such courts shall receive; *Provided*,

That nothing in this act shall be construed so as to allow said bailiff or constable mileage except for one trip for each week or part of week service; *And provided further*, That the provisions of this act shall apply only to the county of Perry.

Approved February 5, 1891.

168]

AN ACT

[S. 40

To authorize and allow execution to be issued on any judgment or decree which has been or may hereafter be properly registered in the office of the judge of probate.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on any judgment or decree which has been or may hereafter be legally registered in the office of the judge of probate under the act entitled, "an act to amend an act entitled an act to provide for the registration and lien of judgments and decrees for the payment of money," approved February 26, 1889, execution may be issued at any time within ten years from the date of the rendition of the judgment or decree, and that whether execution has been previously issued or not on such judgment or decree; *Provided*, That the registration must have been made within a year from the time the judgment or decree was rendered.

Issuing executions

Approved February 5, 1891.

169]

AN ACT

[s. 163

To authorize and empower the Governor of Alabama to issue a patent to the heirs of John Henderson, deceased, to the northwest fourth of the northeast fourth, and the northeast fourth of the northwest fourth of section sixteen, township eighteen of range five east, in Talladega county.

SECTION 1. *Be it enacted by the General Assembly*

Governor to  
issue patent

of Alabama, That the governor of this state be, and he is hereby authorized and empowered to issue a patent to the heirs of John Henderson, deceased, late of Talladga county, to-wit: northwest quarter of northeast quarter, and northeast quarter of northwest quarter of section sixteen, township eighteen of range five east, in said county, on the heirs at law of John Henderson, deceased, cancelling and surrendering to the governor a patent issued by the governor of Alabama, on the 20th day of April, 1888, to them to the south half of the southwest quarter of said section sixteen.

SEC. 2. *Be it further enacted*, That when said patent is so issued and delivered to the heirs at law of John Henderson, deceased, to the land first above described, all the title, right, interest and claim of this state, in and to such lands shall be invested in the heirs of said decedent, and on accepting such patent, all the right, title, interest and claim of the said heirs at law of said decedent, which they acquired by patent issued to them by the governor on the 20th day of April, 1888, to the south half of the southwest quarter of said section sixteen, shall be divested out of them and invested in the State of Alabama, as perfectly as if said patent had not been made and delivered.

Approved February 6, 1891.

170]\*

AN ACT

[H. 82

To preserve order at the Corn House Camp Ground in the county of Randolph, Alabama, and Payne's Chapel Camp Ground, Lamar county, Alabama.

Liquor pro-  
hibition

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any malt, vinous or spirituous liquors of any kind whatever within one mile of the Corn House Camp Ground in Randolph county, Alabama, and Payne's Chapel Camp Ground, Lamar county, Alabama.

SEC. 2. *Be it further enacted*, That the board of trustees of the church at said Corn House Camp Ground, and Payne's Chapel Camp Ground, or the bona fide tent holders of said camp grounds or a majority of either of them shall have right to pass such by-laws, ordinances, rules, and regulations as they may deem proper to preserve order and to regulate or prohibit the sale of confectioneries, lemonade and soda water, or to regulate or prohibit the vending of any article whatever within one mile of said Corn House Camp Ground and Payne's Chapel Camp Ground during the time of any religious worship, or at any time during the progress of a camp meeting at said camp grounds.

Rights of  
board of  
trustees

SEC. 3. *Be it further enacted*, That the bona fide tent holders of said Corn House Camp Ground and Payne's Chapel Camp Ground shall have the right to appoint as many marshals or policemen as in their judgment may be necessary, whose duty it shall be to arrest all offenders of any of the provisions of this act or of any of the provisions of any by-law or ordinance that may be passed by said trustees or bona fide tent holders as aforesaid, and carry such offenders before the intendant for trial and to do and perform any and all duties that may from time to time be prescribed by any by-law or ordinance of said trustees or the bona fide tent holders of said camp ground.

Arrest of  
offend

SEC. 4. *Be it further enacted*, That said trustees or the bona fide tent holders of said camp grounds or a majority of either of them, shall have the right to appoint a suitable person as intendant of said camp grounds, whose duty it shall be to try all offenders brought before him charged with a violation of any of the provisions of this act, or with a violation of any by-laws or ordinances that may be passed and enacted by said trustees or the bona fide tent holders of said camp grounds, and to do and perform any and all duties that may from time to time be prescribed by any by-law or ordinance of said trustees or the bona fide tent holders of said camp ground.

Intendant  
and his  
ties

SEC. 5. *Be it further enacted*, That the by-laws and ordinances that may be passed and enacted by said trustees or the bona-fide tent-holders of said camp

By-laws  
ordina

grounds shall be signed by at least a majority of said trustees or the *bona-fide* tent holders of said camp grounds and published for at least one entire day before the same shall be of force by posting written copies thereof at three conspicuous places on said camp grounds.

SEC. 6. *Be it further enacted*, That the by-laws and ordinances that may be passed and enacted by said trustees or the *bona-fide* tent-holders of said camp grounds shall be entered in a book, which book shall be entitled "The laws of the corn house camp ground and Payne's Chapel camp ground, Lamar county, Alabama," and shall be kept by the intendant when not in use by said camp grounds.

Rights and  
powers

SEC. 7. *Be it further enacted*, That said trustees or *bona-fide* tent-holders of said camp grounds shall have the right to pass and enact such by-laws and ordinances as may be necessary to enforce the powers herein granted and for their own government not contrary to the laws of this state or the restrictions herein imposed, and to prevent and remove all nuisance at the expense of the person causing the same that may be found within one mile of said camp grounds and to restrain and prohibit gaming, houses of ill fame, disorderly conduct and breaches of the peace and to impose fines not exceeding fifty dollars for violations of their by-laws and ordinances and to enforce and collect the same by execution against the property of the offender; and any person failing to pay the fine assessed against him under any of the provisions of this act or any of the provisions of any by-law or ordinance that may be passed by said trustees or *bona-fide* tent-holders or a majority of them may be sentenced by the intendant to imprisonment for forty-eight hours.

Penalty

SEC. 8. *Be it further enacted*, That any person or persons violating any of the provisions of section one (1) of this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than one nor more than five hundred dollars at the discretion of the jury trying the same, *Provided*, That before the intendant and policemen enter upon their duties as required by this act they shall take the oaths of office required by the constitution and laws of this state.

Oath of office

Approved February 6, 1891.



171]

AN ACT

[H. 109

To establish a new charter for the town of Pratt Mines  
in Jefferson county.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within the boundaries hereinafter described are hereby incorporated and constituted a body politic and corporate, under the name of Pratt Mines, and under and by that name, may sue and be sued, receive and grant, and do all such other acts as natural persons may, within the powers herein granted and conferred, and may purchase and hold property, both real and personal, for municipal purposes, and may have and use a corporate seal that may be altered at pleasure. Name

SEC 2. *Be it further enacted*, That the corporate limits of said Pratt Mines shall be, and the municipality of Pratt Mines shall be included within the following boundaries: Beginning four hundred and seventeen and twelve hundredths (417.12) feet south from the northwest (N. W.) corner of section twenty-nine (29), township seventeen (17), range three (3) west, running northeast until the line intersects the north line of said section four hundred and seventeen and twelve hundredths (417.12) feet east from the northwest (N. W.) corner of said section; thence running east to a point two hundred and fifty and eight tenths (250.8) feet west from the northeast (N. E.) corner of northwest (N. W. $\frac{1}{4}$ ) quarter of northwest quarter (N. W. $\frac{1}{4}$ ) of said section; thence southeast to a point two hundred and fifteen and eighty-two hundredths (215.82) feet south from northeast (N. E.) corner of northwest quarter (N. W. $\frac{1}{4}$ ) of northwest quarter (N. W. $\frac{1}{4}$ ) of said section; thence south to the south line of boundary of right of way of Ensley Railway; thence easterly one hundred (100) yards along said right of way; thence south to the line between the northeast quarter (N. E.  $\frac{1}{4}$ ) of northwest quarter (N. W. $\frac{1}{4}$ ) and southeast of northeast quarter (N. E.  $\frac{1}{4}$ ) of said section; thence west, to southeast corner of northwest quarter (N. W. $\frac{1}{4}$ ) of northwest quarter (N. W. $\frac{1}{4}$ ) Corporate limits

of said section; thence south to the southeast corner of the northwest quarter (N. W.  $\frac{1}{4}$ ), of southwest quarter (S. W.  $\frac{1}{4}$ ) of said section; thence west to the southwest corner of northwest quarter, (N. W.  $\frac{1}{4}$ ) of southwest quarter (S. W.  $\frac{1}{4}$ ) of said section; thence north along said section line between sections twenty-nine (29) and thirty (30) to a point four hundred and forty-two and seventy-five hundredths (442.75) feet south of northeast corner of northeast quarter (N. E.  $\frac{1}{4}$ ) of section thirty (30), township seventeen (17), range three (3) west; thence west four hundred and forty-two and seventy-five hundredths (442.75), feet; thence north, four hundred and forty-two and seventy-five hundredths, (442.75) feet; thence west to the southwest corner of southeast quarter (S. E.  $\frac{1}{4}$ ) of said section; thence north to the northwest corner of southeast quarter (S. E.  $\frac{1}{4}$ ) of northeast quarter (N. E.  $\frac{1}{4}$ ) of said section; thence east to the section line between sections twenty-nine (29) and thirty (30); thence north along said line to the point of beginning.

#### Election

SEC. 3. *Be it further enacted*, That the government of the said municipality and the corporate powers shall be vested in a mayor and five aldermen, who shall be elected as hereinafter provided: on the first Tuesday in March, 1891, and biennially on the first Tuesday in March thereafter by ballot, by the legally qualified electors of the State of Alabama, who have resided within the corporate limits of said Pratt Mines one month next preceding such election. The first election held under the provisions of this act, shall be held and conducted by Thomas H. Moore, W. D. Morris, Geo. W. Brown, T. T. Thaxton, W. D. Young, F. L. Fick and J. W. Hancock, the present mayor and councilmen of Pratt Mines, who shall appoint three qualified electors of Pratt Mines as managers of election, and a majority of said board of mayor and aldermen shall have power to hold said election should the others fail to act. The three electors appointed as managers, shall first be duly sworn to conduct said election according to the law for holding elections in the State of Alabama. The managers or a majority of them, shall cause the polls to be opened at nine o'clock in the morning, and

be kept open until the hour of seven (7) o'clock in the evening: that said managers shall count the votes Election cast, make out a poll list of the persons who voted, and with their certificate endorsed thereon, showing the persons voted for, and for what office voted for, deliver the same in a box, sealed up to the mayor who shall call a meeting of the board, and they together shall open the box and proceed to count the votes therein and declare the result. The persons receiving a plurality of the votes so cast, shall be mayor and aldermen for the two years next succeeding, and until their successors are regularly elected and qualified. All elections for municipal officers thereafter shall be held under regulations adopted by the municipal authorities, who shall count the votes—and declare the result. No person shall be a qualified voter at the election herein above provided for who has not been duly registered for the beat in which Pratt Mines is situated under the laws of Alabama. Persons otherwise qualified as electors may be registered at the polls by the mayor on the day appointed for the election aforesaid, and it shall be the duty of the said mayor to register all persons as are qualified to vote. After the first election, the municipal authorities at least twenty days before each succeeding election, shall make provision for registering the electors residing within the corporate limits of Pratt Mines. *Ties in Election:* In all elections where there is a tie between any two persons voted for where one only can fill the office to be filled, the election for that place must be, by the authority or authorities holding the election, referred back to the electors of Pratt Mines for a choice. At any municipal election held under this act any person offering to vote may be challenged by any one of the managers or by any qualified elector; and it is the duty of each manager to challenge any person offering to vote whom he knows or suspects not to be a qualified elector. The person so challenged may be examined under oath by the managers as to his qualifications, and the managers may examine other persons touching his qualifications. In all such cases the managers are authorized to administer the oath to answer questions, and where proof is taken, may receive or reject the ballot offered.

Illegally vot-      SEC. 4. *Be it further enacted*, That any person  
ing a felony      who obtains registration when he is not entitled, in his  
own name, or the name of another, or by an assumed  
name, and thereby casts a vote, or who swears falsely  
when challenged, or who, after having once voted at  
such election, votes a second time, or who shall aid an-  
other person not entitled to register and vote, to vote  
at such election, shall, in each and every such case, be  
guilty of a felony, and shall, on conviction, be punish-  
ed by imprisonment for not less than six months and  
not more than one year.

Oath of office      SEC. 5. *Be it further enacted*, That before entering  
upon their duties as such, the mayor and aldermen  
shall take and subscribe an oath to support and obey  
the constitution and laws of the State of Alabama, and  
of the town of Pratt Mines, and to faithfully discharge  
their respective duties as such mayor and aldermen.

Quorum      *Quorum*: A majority of the board of aldermen shall be  
required to transact any corporate business, but any  
number may assemble at the place of meeting, adjourn  
from day to day, and compel the attendance of absent  
members, in such manner and under such penalties as  
the board may prescribe. The board of aldermen may  
adopt such rules and procedure as may be necessary for  
the transaction of business; may fine its members for  
absence or disorderly behavior, and may fill any va-  
cancies on the board that may occur from death, re-  
moval or resignation. The mayor, when present, shall  
preside at all meetings of the board; if he is absent  
from any meeting, the aldermen present may elect one  
of their number to preside. *Vacancy in Office*: In case  
the office of mayor becoming vacant by death, removal,  
resignation or disability, the aldermen shall elect a  
mayor to fill the vacancy for the unexpired term. The  
mayor may call meetings of the aldermen as often as  
the interest of the municipality requires it; but there  
shall be a meeting of the mayor and aldermen at least  
once each month for the transaction of business.

Rules

Vacancies

Meetings

Mayor's      SEC. 6. *Be it further enacted*, That the mayor, or  
court      in his absence, any alderman, shall hear and determine  
all cases of violation of the by-laws, or ordinances or  
of the charter of said Pratt Mines, and punish offenders  
in such manner as may be prescribed by such by-laws

and ordinances, and shall receive such fees or salary as the board may prescribe. The mayor shall have and possess within the corporate limits of Pratt Mines, all the powers and jurisdiction both civil and criminal of a justice of the peace. Before entering upon the duties of the office as mayor, the mayor shall give bond to be approved by the judge of probate of Jefferson county in the sum of one thousand dollars payable to Pratt Mines; and conditioned for the faithful performance of his duty as mayor. From any judgment of the mayor rendered in cases of violation of municipal ordinances or by-laws, an appeal will be allowed if taken within five days thereafter, to the next term of the circuit court of Jefferson county, or of the city court of Birmingham, upon the defendant entering into bond with surety to be approved by the mayor payable to the said Pratt Mines for such sum as the mayor may require not less than double the fine and costs—and conditioned to prosecute such appeal to effect, and to pay such judgment as the appellate court may require in said cause. In case the appellant make default the appellate court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties, on the appeal bond for the amount of the fine imposed by the mayor and costs of the appeal. In case defendant appears to prosecute his appeal, the trial shall be de novo, and if judgment be rendered against the defendant for money, the court must also render judgment against the sureties on the appeal bond for the amount of said judgment, and costs of appeal, and in addition thereto, if the judgment be imprisonment or hard labor the defendant shall be remanded to the municipal authorities of Pratt Mines for punishment. When the judgment of the court shall be only imprisonment or hard labor then the court shall render judgment against the defendant and the sureties on the appeal bond for costs of the appeal, and for the costs imposed by the mayor. The mayor or alderman acting as mayor, shall have power, when so authorized by ordinance, upon trial of offenders, to impose fines, imprisonment or hard labor on the streets. In all cases where a person is accused of the violation of any ordinance he may give bail with sureties for his

Bond of  
mayor

Appeals

Powers of  
mayor

Bail

appearance before the mayor for trial, and if he makes default, the mayor may declare his bail forfeited, and enter judgment after notice to his sureties against the defendant and his sureties for the amount of the bond or in such sum as the circumstances of the case may authorize.

Powers of  
mayor and  
aldermen

SEC. 7. *Be it further enacted*, That the mayor and aldermen of Pratt Mines shall have full power to adopt and enact all by-laws and ordinances for the well-being of the inhabitants of Pratt Mines, authorized by this act, and to affix thereto appropriate penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the town not exceeding thirty (30) days; and all persons convicted of any breach of the by-laws or ordinances of Pratt mines, failing to pay such fine, may be imprisoned or placed at hard labor for the town until such fine and costs are paid, for a term not exceeding thirty (30) days. 2. To pass all ordinances; to prevent and abate nuisances and to punish persons creating or allowing nuisances on their premises or elsewhere; to pass all laws necessary to prevent the introduction of contagious diseases into the town; to preserve health, and to establish and regulate quarantine and pest houses. 3. To maintain hospitals, and provide and keep a cemetery. 4. To license, tax and regulate theatricals and other amusements, circuses, menageries, shows and exhibitions for the sake of gain; all trades, business occupations and professions. 5. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, confectioners, hawkers, coffee-houses, peddlers, butchers, lawyers, doctors, livery-stable keepers and all other privileges; to levy and collect taxes upon all privileges, trades or occupations of not less than five nor more than two hundred dollars. 6. To restrain and prohibit gambling houses, houses of ill fame, and to prevent and punish all violations of the criminal laws of the State of Alabama. 7. To appoint a marshal or chief of police and as many policemen as may be necessary for the good government of the municipality. 8. To divide the municipality into wards, whenever the mayor and aldermen may decree it best to do so. And the police jurisdiction



of said municipality shall extend one-half mile beyond the corporate limits. 9. To establish and regulate markets and market houses; to enact laws for the sale of meats, vegetables and fruits within the corporate limits. 10. To sink and regulate public wells, to establish, authorize and regulate water works, fire plugs and hydrants; to make all needful provisions for a supply of water, gas, gas lights, electric lights, and for lighting the streets. 11. To establish fire limits; to make all necessary arrangements and provisions to protect the property of citizens against fire by suitable fire apparatus. 12. To establish, open, control, regulate, repair, grade, pave and close streets and alleys; to establish, curb, grade, and regulate side-walks, and to construct sewers. 13. To prevent the running at large of animals on the streets, and to authorize the impounding of the same, and to prescribe conditions upon which the same may run at large. 14. To regulate and control the running of cars and locomotives along and across the streets. 15. To enact all ordinances regulating the sale of goods, wares and merchandise on the streets. 16. To require property owners to keep sidewalks in front of their property in good repair. 17. To have and exercise full police powers within the corporate limits to prevent crime and protect the rights of person and property, and to preserve the public peace. To this end the marshal and policemen are clothed with the power and authority of constables under the laws of the State of Alabama, and the mayor and each of the aldermen are conservators of the peace, and empowered to make and order arrests for all violations of the laws of the state and of the municipality, and to administer oaths. 18. To require all the male inhabitants over the age of eighteen and under the age of forty-five years, residing within the corporate limits, to work not more than ten days in each year upon the public streets, or in lieu thereof to pay a sum to be fixed by the mayor and aldermen, not exceeding five dollars per annum; and to this end to enact suitable ordinances to enforce the duty when required. The inhabitants of said Pratt Mines are relieved from duty on the public roads of the county. 19. To establish, regulate and control a sys-

Powers of  
mayor and  
aldermen

tem of public schools, and maintain the same. To license hacks and drays, regulate the running of the same, and to protect them in the collection of their lawful charges.

Appointed officers      SEC. 8. *Be it further enacted*, That the mayor and aldermen are authorized to create all such offices and to appoint all such officers as may be necessary to carry into effect the powers conferred by this act, the terms of service, to regulate and control them in the performance of their duties, and to remove and discharge such officers and agents when they may deem it proper.

Personal and real estate      SEC. 9. *Be it further enacted*, That said mayor and aldermen have full authority to purchase and provide for the payment of the same, all personal and real estate deemed necessary, from time to time, for public use and convenience, and to construct suitable public buildings for council chambers, market houses and school houses.

Taxes      SEC. 10. *Be it further enacted*, That the mayor and aldermen of said Pratt Mines, to provide public revenue, are authorized to levy and collect taxes on real estate and personal property, capital employed in business in said municipality, auction sales, sales of merchandise, gross amounts of commissions, or sums received during the preceding year by any factor, commission merchant, broker or lawyer, on the gross receipts of each trade, or occupation conducted within or derived from a business carried on, in or partly within said municipality, and all salaries, whether from public or private employment, after deducting the expenses of carrying on such trade, occupation or employment; *Provided*, That where capital employed is invested in goods, wares, or merchandise a tax shall not be levied upon the capital, and at the same time upon the property in which the same is invested, and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and aldermen are authorized to establish regulations to insure correct returns to the proper officer or officers or agents, of all subjects of taxation, and for listing of the same by the taxpayers for taxation: and if the taxpayer fails to list his property for taxation, to provide that his property may be assessed by

the officers appointed to assess property within the corporate limits, and to make all needful regulations to equalize the valuation of property assessed for taxation, and to provide that the same may be assessed at its proper valuation, in accordance with law.

SEC. 11. *Be it further enacted*, That the mayor and aldermen are empowered to make all needful regulations and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a collector, who shall qualify by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality.

Tax collector

SEC. 12. *Be it further enacted*, That when the books of assessment shall be completed and returned to the mayor and aldermen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant annexed to the tax list, or book of assessment, to the collector of the corporation tax, which list shall contain the names of the tax-payers, a description of the real estate, its valuation and the taxes assessed thereon, and the amount of personal property assessed to each tax payer and the tax assessed thereon; and such tax list, with the warrant annexed, shall have the force and effect of an execution, and shall be a preferred lien on all the property within the corporate limits, or brought within the corporate limits, of every person assessed with the same, over all incumbrances, except the state and county taxes, from the date of the assessment.

Warrant for collector

SEC. 13. *Be it further enacted*, That all taxes assessed and levied within the corporate limits of Pratt Mines, shall have the force and effect of a judgment at law, and in addition to the remedy hereinafter given, the corporation of Pratt Mines, may bring suit in any court of law or equity against the person or persons assessed jointly or severally, and recover such sum as may be found to be due for taxes and charges.

Taxes have force of judgment

SEC. 14. *Be it further enacted*, That after giving notice by advertisement by posting or in a newspaper published in Pratt Mines for twenty days that the cor-

Duties of collector

poration taxes are required to be paid to him on or before a certain day, it shall be the duty of the tax collector to enforce the collection of the same by a levy upon, and sale of the personal property of the delinquent tax payer at public auction, first giving five days notice by posting of the time and place of sale. If after taxes have been assessed, the tax collector shall become satisfied that the taxes due from any person are in danger of being lost by delay, he is authorized and required, without delay to seize, levy upon and sell any property liable for the payment of taxes.

## Tax sales

SEC. 15 *Be it further enacted*, That the failure of the collector to seize and sell personal property for the payment of taxes in default shall not be a defense or ground of objection to the sale of real estate for taxes in default, or in arrear. The mayor and aldermen are authorized by ordinance to adopt the procedure for the sale of real estate for the collection of taxes as set forth in article III, chapter 5, title 7, part 1, code of 1886, and jurisdiction to that end is hereby conferred upon the probate judge of Jefferson county, State of Alabama, to hear and determine and enter decrees of sale for the amount of taxes due, with the costs and charges thereupon. The purchasers of land at such sale shall receive a deed therefor, executed by the tax collector of the corporation of Pratt Mines, conveying all the estate the tax payer had therein at the date of the assessment of the land for taxation. By virtue of the deed so executed the purchaser may sue for, at law, and recover possession of the real estate thereby conveyed, with rents thereof from the date of the execution of the deed. In all suits brought under this act for the possession of real estate, the decree of the probate judge ordering the land to be sold and the deed therefor executed by the said tax collector, shall be *prima facie* evidence of the right of the purchaser, or those claiming under him to recover the real estate sold. If the land is in the possession of a tenant, notice to him by the purchaser, or his vendee, of the purchase, after the lapse of ten days from the time of the sale that he is the purchaser, and that the land has not been redeemed, vests the right to the possession in him in the same manner as if such tenant had attorned to him.

SEC. 16. *Be it further enacted*, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of the deed, by the owner or person interested in the same, paying or tendering to the purchaser or his vendee the amount of the purchase money, with interest at the rate of twelve per cent. per annum, all taxes, state, county and municipal, paid by the purchaser, the value of all the improvements erected thereon, necessary to keep the property in repair, and to make it productive by the purchaser, such value to be ascertained as now provided by the laws of the State of Alabama, and all lawful charges thereon. When the vendee does not reside in Pratt Mines, the owner or any one interested therein, may redeem the same by making payment as aforesaid into the treasury of Pratt Mines for the person entitled thereto, who shall be promptly notified thereof by the treasurer. When possession has been delivered to the purchaser by the taxpayer, if the land is not restored to him upon complying with the foregoing provisions, he may recover possession of the same by an action of unlawful detainer before a justice of the peace, or an action of ejectment. The municipality of Pratt Mines is authorized and empowered to purchase property sold at tax sales, which sell for no more than the amount of taxes due and the costs and charges, receiving therefor the deed of the tax collector, and is entitled to the same remedies as other purchasers for the possession of the same. The mayor and aldermen may let or use unoccupied real estate of minors, non-residents, unknown owners, or persons non compos mentis, until the taxes due on such property shall be paid by the rent or use thereof.

Right to redeem

SEC. 17. *Be it further enacted*, That the territory embraced within the corporate limits of Pratt Mines be and the same is hereby constituted a public school district; and the mayor and aldermen, for the use of the public schools are authorized to collect all poll tax from persons liable therefor, living within the corporate limits of Pratt Mines, and a payment of such poll tax to the tax collector of Pratt Mines shall be a full discharge of liability therefor to the tax collector of Jefferson county.

School district, poll taxes, etc

License tax

SEC. 18. *Be it further enacted*, That from every person, firm, or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Pratt Mines, the mayor and aldermen are authorized to collect a license tax, the amount thereof to be, as far as may be, regulated by the volume of the business or trade, and the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance. All sums derived from licenses, under the provisions of this section are hereby appropriated to the support and maintenance of free schools within the corporate limits of Pratt Mines.

Repeal of  
charter

SEC. 19. *Be it further enacted*, That the present charter of the town of Pratt Mines is hereby repealed; *Provided*, that the present municipal government is continued in force until the officers elected under section three of this act have qualified as therein required; *And provided further*, that all laws and ordinances now in force shall continue in force until repealed or modified by the mayor and aldermen of Pratt Mines; and that no prosecution, suit or claim now pending shall be affected in any manner whatever by the adoption of this act.

Constructi'n

SEC. 20. *Be it further enacted*, That all the provisions of this act shall be liberally construed to enable the mayor and aldermen to carry into effect all the powers conferred hereby.

Laws in con-  
flict repealed

SEC. 21. *Be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed; *Provided*, that nothing contained in this act shall be so construed as to empower the authorities of Pratt Mines to authorize the sale of spirituous, vinous or malt liquors.

Approved February 6, 1891.

For the Relief of M. A. Jennings, of Shelby county.

*Whereas*, M. A. Jennings, of Shelby county, sold to



one Wm. B. Bell, of Coosa county, a part of section 16 of township 23, range 17, in Coosa county, for the sum of four hundred dollars, one hundred dollars in cash, and the balance on credit; and

*Whereas*, After said sale it was discovered that no patent had been issued to Wm. Jennings, the original purchaser, and the records in the superintendent of education's office showed that said Jennings was due the state the sum of two hundred and twenty-two and 30-100 dollars, it was agreed between said M. A. Jennings and Wm. B. Bell that said Bell should pay said amount due the state out of said three hundred dollars due said M. A. Jennings; and

*Whereas*, Said Wm. B. Bell did pay said amount and deduct the sum from said three hundred dollars due said M. A. Jennings; and

*Whereas*, It was afterwards discovered that said Wm. Jennings, father of M. A. Jennings, and his sureties on said purchase money notes had been sued and judgment recovered, and said judgment has been fully paid off and discharged, and the amount so collected was paid to M. A. Baldwin, attorney-general of Alabama, on the 1st day of April, 1865; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the state auditor or other proper officer be and he is hereby authorized to draw his warrant in favor of M. A. Jennings on the state treasurer for the sum of two hundred and twenty-two and 30-100 dollars, to be paid out of the sixteenth section fund of township 23, range 17, in Coosa county. Appropriation

Approved February 6, 1891.

173]

AN ACT

[H. 173

To amend sections 1, 7, 15, 16, 19, 21, 23 and 24 of an act entitled an act to establish a Criminal Court for the county of Pike, with criminal jurisdiction in misdemeanor cases and to repeal sections eight (8) and eighteen (18).

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of said act be amended

Election of  
judge

so as to read as follows: That there is hereby established in the city of Troy an inferior court of record to be called the Criminal Court of Pike county, to be held and presided over by a judge who shall be learned in law, and shall reside in said city or in two miles thereof, and who shall be elected by the legal voters of Pike county at the August election, 1892, and every four years thereafter, and who shall take the same oath and exercise the same power in all misdemeanor cases, and be removed for the same causes as judges of the circuit courts of this state; *Provided*, That the present incumbent's term of office as judge of said court shall not expire until said August election, 1892, and until his successor is elected and qualified.

Trial by jury

SEC. 2. *Be it further enacted*, That section seven of said act be amended so as to read as follows: That every person charged, either by complaint or indictment, with the commission of a misdemeanor shall be entitled to a trial by jury; *Provided*, the right to a jury trial may be waived by the defendant at the time of arrest or at any time before issue joined; *And provided further*, if such right to a jury trial is not waived as aforesaid, it shall be the duty of the sheriff to require the defendant to give bail for his appearance to the next regular jury term of said court, and the witnesses both for the state and the defendant shall be subpoenaed by the clerk to attend at said jury term, otherwise the bond must be taken to appear at the next regular term of said court and the witnesses subpoenaed to appear at such term.

Appeals

SEC. 3. *Be it further enacted*, That section 15 of said act be amended so as to read as follows: That all appeals from said criminal court shall be direct to the supreme court of the State of Alabama, and that the laws now in force or may hereafter be enacted, governing or applying to appeals in misdemeanors from the circuit courts of the state, shall apply to appeals from this court and that said supreme court shall have power and authority to review both the law and the facts in all appeals from said court tried without the intervention of a jury and in such cases shall weigh the evidence and give such judgment as they deem just.

SEC. 4. *Be it further enacted*, That section 16 of said act be amended so as to read as follows: That the deputy or county solicitor shall be required to attend said court and shall be the prosecuting officer therein and shall also represent the state in all habeas corpus proceedings and for such services shall be entitled to a compensation of one hundred dollars out of fees to be assessed and collected as solicitors are under the laws of the state; *Provided*, That all such fees over and above such compensation shall be paid into the state treasury.

Solicitor in  
habeas cor-  
pus proceed-  
ings

SEC. 5. *Be it further enacted*, That section 19 of said act be amended so as to read as follows: That the fees of the sheriff, constable, bailiff, and jurors, and witnesses for services rendered in and upon said court shall be the same as are now allowed by law for like services in the circuit court of Pike county and shall be paid as now provided by law.

Fees of  
officers

SEC. 6. *Be it further enacted*, That section 21 of said act be amended so as to read as follows: That the salary of the judge of the court hereby established shall be twelve hundred dollars a year. It shall not be diminished during his continuance in office except with his consent, and be payable monthly at the treasury of the county of Pike upon his order out of any money in said treasury unappropriated\* and for the reimbursement of said county for the payment of the same all the fees allowed to the judge of said court as herein provided, and the fines and forfeitures in all state cases in said court shall be paid into said treasury in preference to any other appropriation of the same and shall be collected in money or lawful currency which is alone authorized to be received in payment of such fees, fines and forfeitures, and in all cases that shall be tried in such court hereby established in which the defendant after conviction shall be unable to pay the cost of prosecution, the same shall be paid out of the fines and forfeiture that have accrued or may accrue in criminal cases in said court.

Salary of  
judge

SEC. 7. *Be it further enacted*, That section 23 of said act be amended so as to read as follows: That the criminal jurisdiction of all misdemeanors committed in said county of Pike be and the same is hereby vested

Jurisdiction  
of court

in the said criminal court of Pike, to be exercised in as full and ample manner and upon like process and proceedings as the jurisdiction of the county and circuit courts of this state is now exercised in cases of misdemeanors and said court shall have authority to grant writs of injunction and ne exeat returnable to the courts of chancery and writs of certiorari, mandamus, supersedeas and all other remedial and original writs which are granted by judges at common law.

Appeals from  
justice of the  
peace courts

SEC. 8. *Be it further enacted*, That section 24 of said act be amended so as to read as follows: That appeals shall be from prosecutions before justices of the peace in Pike county to the next jury term of the criminal court of Pike county within five days after judgment or conviction by the justice, upon the defendants entering into bond, as is now required by law in similar cases to the circuit, or county courts, and on such appeals the provisions of section 4243 of code shall apply to the proceedings in said criminal court; *And provided further*, That appeals may be taken from the judgments of the justices of the peace in Pike county to the next jury term thereof in all civil cases, including judgments in forcible entry or unlawful detainer, under the laws and rules now in force regulating and governing appeals in such cases to the circuit courts of said state.

Laws in con-  
flict repealed

SEC. 9. *Be it further enacted*, That sections 8 and 18 of said original act and all other laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 6, 1891.

177]

AN ACT

[H. 217

To authorize the laying off of the county of Pike into commissioners districts, and providing for the election of commissioners by the qualified voters of the county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of the

county of Pike are hereby authorized and directed to lay off said county into four commissioners districts, as near equal in population as may be. Four districts

SEC. 2. *Be it further enacted*, That the qualified voters of said county, at the next general election, shall elect one commissioner for each district, whose term of service shall commence at the expiration of the terms of the present incumbents, and said commissioners shall reside in the districts for which they are severally elected. One commissioner for each district

SEC. 3. *Be it further enacted*, That the said commissioners court may, at any time re-district the said county when, in their opinion it may be necessary; *Provided*, The said court shall not interfere with the rights of parties in office. May change districts

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 6, 1891.

175]

AN ACT

[H. 370

To authorize the Mayor and City Council of Anniston to issue bonds of said city for an amount not exceeding fifty thousand dollars for the purpose of purchasing land and erecting and equipping school buildings thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and city council of Anniston shall be authorized and they are hereby authorized to issue, in their corporate capacity, negotiable coupon bonds, of the city of Anniston to an amount not exceeding fifty thousand dollars, bearing interest at the rate of five per centum per annum, payable semi-annually; such bonds when issued to be designated as "Anniston School Bonds." The said bonds shall be of such denomination, each not less than one hundred nor more than one thousand dollars, as may be fixed by the mayor and city council, and they shall mature and become payable in gold of the present Authority to issue bonds

standard weight and fineness, thirty years after the date of issuance, and such bonds and the interest coupons thereto attached shall be made payable at such banks in the city of New York as the mayor and city council may prescribe; but the bonds herein provided for shall not be issued or sold until required by the board of education of the Anniston school district as provided in section two of this act.

Sale of bonds      Sec. 2. *Be it further enacted*, That whenever said board of education shall file a statement with the mayor and city council aforesaid of the amount that said board may require at that time for the purchase of land and the erection and equipment of school buildings thereon, the said mayor and city council shall proceed to sell a sufficient number of said bonds to supply the amount of money required by said board, and the proceeds of such sale shall be paid over to the city treasurer of Anniston to the credit of said board of education, to be kept separate and apart from all other funds in his hands, and shall be used by said board for the purchase of land in said city, and for the erection and equipment of school buildings thereon, and for no other purpose. The sale of said bonds may be made from time to time to meet the requirements of sech board of education in the manner and for the purposes above set forth; *Provided*, that such bonds, when sold, shall net not less than ninety-nine per centum of their par value.

Proceeds to be applied

\* Approved February 6, 1891.

176]

AN ACT

[H. 435

To provide for an additional judge of the Supreme Court of Alabama.

Supreme court consists of five judges

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the supreme court of Alabama shall consist of five judges, one chief justice and four associate justices.

SEC 2. *Be it further enacted*, That the governor



shall fill the vacancy in the judgeship hereby created by the appointment of an additional judge of said court within ten days from the approval hereof, who shall hold his office until the next general election of the judges of the supreme court, to be held on the first Monday in August, 1892.

Governor  
shall fill  
vacancy

SEC. 3. *Be it further enacted*, That the salary of said judge shall be the same as that of each of the present judges of said court, and shall be payable in like manner.

Salary

SEC. 4. *Be it further enacted*, That the concurrence in opinion of three of said judges shall suffice and be necessary to the determination of any question presented for the decision of said court, except that when two of said judges are disqualified to sit in any cause, the same shall be determined by a concurrence in opinion of two of those qualified to sit. And when three or more of said judges are disqualified to hear and determine any cause, the remaining judge, or judges, or if all are disqualified, the clerk of the court, shall certify the facts to the governor, who shall thereupon appoint a sufficient number of special judges from the bar of the supreme court to constitute a special court of five members, including the judges who are competent to sit, if any, for the trial of such causes; and in like manner, when only one of said judges is disqualified, and there is an equal division of opinion among the remaining four on the question of the affirmance or reversal of any judgment or decree, or with respect to any motion or application involving the fate in said court of any cause, whether upon appeal or otherwise, they shall certify the fact of such division to the governor, who shall then appoint a member of the bar of the supreme court to sit with them and hear and determine such cause.

Determina-  
tion of ques-  
tions pre-  
sented for  
decision

Special  
judges

Approved February 12, 1891.

177]

AN ACT

[H. 588

To amend section 8 of an act entitled an act to provide a new charter for the city of Tuscumbia, Colbert county, Alabama, approved February 28, 1887.

Registration  
of voters

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 8 of an act entitled an act to provide a new charter for the city of Tuscumbia, approved February 28, 1887, be amended so as to read as follows: Section 8. Be it further enacted, That it shall be the duty of the board of mayor and aldermen at their first meeting in March of each and every year to appoint a register of voters for the next succeeding election for such compensation as the board of mayor and aldermen may prescribe; and said register shall cause every elector applying for registration to subscribe to an oath that he is a qualified elector under the laws of the State of Alabama, together with his color and residence by ward, and shall give to each voter so registered a certificate to that effect. Ten days before the election the registration of voters shall close and the registration list turned over to the board of mayor and aldermen for public inspection. Every male inhabitant of twenty-one years of age, who shall have resided in the State of Alabama one year, and within the city of Tuscumbia for thirty days next preceding the election, and who shall have registered as herein provided during the year in which he proposes to vote, shall be a legal qualified voter and not otherwise.

Approved February 6, 1891.

178]

AN ACT

[H. 673

To provide for the levying and collecting license tax on dogs in Macon county.

License tax  
on dogs

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, there shall be levied and collected a license tax

annually on every dog in Macon county, the sum of one dollar; and on each bitch or female dog the sum of two dollars, which shall be levied and collected as other taxes are levied and collected in Macon county.

SEC. 2. *Be it further enacted*, That no property whatever shall be exempt from levy and sale for the payment of the tax mentioned in section 1, and that all money collected under this act shall be turned over to the county superintendent of education for general school purposes, which shall be divided equally between the two races of the county. And said tax shall be paid on or before the first day of January in each year, and if the same is not paid by aforesaid time, then it shall be made the duty of the tax collector to proceed under the tax laws to enforce the collection of the same.

Property liable for dog tax

Money goes to school fund

Approved February 6, 1891.

179]

AN ACT

[H. 498

To declare the true intent and meaning of an act approved February 19, 1889, and entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama.

*Be it enacted by the General Assembly of Alabama*, That *Whereas*, When the act entitled an act to amend an act entitled an act to release the Tennessee and Coosa Railroad Company, from its indebtedness to the State of Alabama, was passed and approved, the extension of the line of said railroad north of the Tennessee river had been located to run to the city of Huntsville, in Madison county in this state, and the construction of said road as thus located had been let and contracted to be built, and some six miles thereof graded from said city of Huntsville.

*And whereas*, One of the chief inducements to the release of the indebtedness due the State of Alabama from said railroad company provided by said act was said extension to said City of Huntsville, thereby giv-

ing railroad communication with said city to the citizens of other portions of the state.

*And whereas*, It appears that it is contemplated by said railroad company and those in charge thereof, to abandon said line and located route to said City of Huntsville, and substitute therefor another and different route :

Now therefore it is hereby declared to be the true intent and meaning of said act of February 19, 1889, and said act is amended to read as follows:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Tennessee and Coosa Railroad Company be, and they are hereby discharged from all obligations, bonds, claims and demands due from said company to the State of Alabama, by reason of any appropriation to said road of the two and three per cent. funds or any part thereof, and the said portions of the said funds heretofore appropriated to said road, are hereby donated to the same; *Provided*, the said railroad as now located from the city of Gadsden on the Coosa river to the City of Guntersville on the Tennessee river, and thence to the City of Huntsville, in Madison county in this state, shall be completed in five years from the date of approval of said amendment February 19, 1881; *Provided*, That nothing in this act contained shall be so construed or held as to make the State of Alabama responsible or bound to any other company for the portions of the said two and three per cent. funds hereby released and granted to said Tennessee and Coosa Railroad Company, and the state hereby quit claims and releases to said Tennessee and Coosa Railroad Company all its rights and title to said two and three per cent. fund heretofore appropriated to said railroad company; *Provided further*, That the said company shall receive no further aid from the State of Alabama, by the endorsement of its bonds or otherwise.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

[NOTE—The above act, not having been approved or returned by the governor, became a law under § 13, Article V. of the Constitution.]

Release conditionally

Laws in conflict repealed

180]

## AN ACT

[H. 369

To provide for elections to be held in Beat No. 1, and the towns of Days Gap and Carbon Hill, in Walker county, Alabama, to determine whether or not the sale, giving away or otherwise disposing of malt, vinous or spirituous liquors shall be lawful within the incorporated limits of Jasper, Day's Gap and Carbon Hill.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever twenty-five or more resident freeholders of Beat 1, or whenever ten or more resident freeholders of the town of Day's Gap and Carbon Hill, in Walker county, Alabama, shall file with the judge of probate of said county, their petition in writing asking for an election to ascertain the wishes of the voters of Beat No. 1, and of said towns of Day's Gap and Carbon Hill, whether or not the sale, giving away or otherwise disposing of vinous, malt or spirituous liquors shall be lawful in the incorporated towns of Jasper, Day's Gap and Carbon Hill, then it shall be the duty of the probate judge to order an election in said Beat No. 1, or in the towns of Day's Gap and Carbon Hill, and fix the time of holding the same, at the usual voting place in the said beat or towns, which shall not be more than sixty nor less than thirty days from the time of filing such petition. Election on prohibition

SEC. 2. *Be it further enacted*, That the sheriff of said county, shall give notice for thirty days of the time so fixed for holding such election or elections, and the purpose for which said elections are to be held, by publication as is now required by law, and inspectors shall be appointed for said beat or town as required by law for holding of general elections under the election laws of this state. Duty of sheriff

SEC. 3. *Be it further enacted*, That upon the day so appointed an election shall be held in said Beat No. 1, or the towns of Day's Gap or Carbon Hill, and all persons who are at the time qualified voters under the general election laws of the state, shall be allowed to vote, and such election, or elections shall be governed Election ; qualified voters

in all respects by the general election laws of this state so far as they are applicable at the time.

Words on  
ballots

Duty of  
judge of pro-  
bate

SEC. 4. *Be it further enacted*, That at such elections those who desire to vote for the prohibitions in such towns shall vote their ballots "For prohibition," and those desiring to vote against prohibition shall vote their ballots, "Against prohibition." When the votes polled at such election are returned and counted by the board of supervisors as required by law, if it be found that a majority of all the votes cast are for prohibition, then it shall be the duty of the judge of probate to record such result in his office and publish it in one or more newspapers of the county for thirty days.

Penalty

SEC. 5. *Be it further enacted*, That after the expiration of the thirty days last above provided for, should such result be for prohibition it shall be unlawful for any person to sell, give away or otherwise dispose of vinous, malt or spirituous liquors in either or any of the towns of Jasper, Day's Gap or Carbon Hill, in which elections have been held under this act; and any person violating the provisions of this act shall on conviction be fined not more than two hundred dollars.

If result be  
against pro-  
hibition

SEC. 6. *Be it further enacted*, That if the result of any election held under the provisions of this act shall be against prohibition, then it shall be lawful to sell, give away, or otherwise dispose of vinous, malt or spirituous liquors in any of the town or towns in which an election has been held under the provisions of this act, and which has voted against prohibition, subject to regulations of the municipal authorities of any of said town or towns under their respective charters.

Purpose of  
this act

SEC. 7. *Be it further enacted*, That the true intent and purpose of this act is to provide for an election or elections in the manner prescribed to determine the wishes of the voters of said Beat 1, or of the town of Carbon Hill or of the town of Day's Gap, to determine separately and for itself whether or not the traffic in liquors shall be lawful within the limits of the incorporated town of Jasper, in beat 1, or in the incorporated towns of Day's Gap and Carbon Hill, and so



much of any prohibition law or laws now in force in conflict with the provisions of this act, and no more are hereby repealed. Laws in conflict repealed

Approved February 6, 1891.

181]

AN ACT

[H. 602

For the Relief of A. G. Franklin, ex-Sheriff of the county of DeKalb, State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of three hundred and seventy dollars be and the same is hereby appropriated out of the funds not otherwise appropriated for the relief of A. G. Franklin, ex-sheriff of DeKalb county, Alabama, for the removal of prisoners from various places to the town of Fort Payne, DeKalb county, Alabama, for trial. Appropriation

SEC. 2. *Be it further enacted,* That the auditor of the State of Alabama, is hereby authorized to draw his warrant on the treasurer of Alabama for said amount of three hundred and seventy dollars in favor of said A. G. Franklin.

Approved February 6, 1891.

182]

AN ACT

[H. 416

To incorporate the Town of Luverne, in the county of Crenshaw, and State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Luverne, in the county of Crenshaw, and State of Alabama, be and the same is hereby incorporated, and the corporate limits of the said town shall be as follows, to-wit: One mile each way, north, south, east, and west, from the court house square as laid out by the Luverne Land Company, and recorded in the probate office of said county. And the present and future inhabitants of said town shall be Name  
Corporate limits

Rights and continue the body politic and corporate, under the name and style of The Town of Luverne; and under and by such name and style the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property to the value of one hundred thousand dollars, and do all acts incident to bodies corporate.

Officers SEC. 2. *Be it further enacted*, That the government of said town shall be styled mayor and council of Luverne, and shall consist of a mayor and five councilmen, who shall be citizens and householders of said town, and shall serve for the term of one year, and until their successors are elected and qualified; said officers to be elected by the qualified electors, who shall have resided in said town for thirty days next preceding the election, and before entering upon their official duties, shall take an oath to support the constitution of the state and the oath of office therein contained.

Elections annually SEC. 3. *Be it further enacted*, That the regular election for such officers shall be held annually on the first Monday in July of each year, and shall be conducted by three qualified electors appointed by the mayor and council of said town for that purpose; *Provided*, that at the first election held under the provisions of this act such persons shall be appointed by the intendant and councilors of the present corporation; and said mayor so elected shall be ex-officio justice of the peace, with jurisdiction concurrent with the circuit and county courts of said county, to try all misdemeanors committed within said corporate limits, and to have all the jurisdiction of notaries public in said county of Crenshaw, Alabama. The mayor and councilmen shall determine the legality of elections, and declare who are elected officers, and in the case of a tie, shall determine who shall be mayor and councilmen; but the corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election, to be held on some day within thirty days thereafter.

Vacancies SEC. 4. *Be it further enacted*, That should a vacancy occur in the office of mayor or councilmen, such va-

cacy shall be filled by the remaining members of the board.

SEC. 5. *Be it further enacted,* That the mayor and councilmen of said town shall have power: 1st. To employ a clerk, a marshal, who shall collect the taxes, also to employ counsel for advice, and for the prosecution of offenders, and for the defense of all suits against the town; a treasurer, whose duty it shall be, to receive, safely keep and disburse the funds and money belonging to said town. 2nd. To determine the fees and salaries of officers. 3rd. To enact such laws and ordinances as may be necessary to maintain the powers herein granted. 4th. To prevent and remove nuisances at the cost of the person or persons causing them, or on whose premises they are found. 5th. To license, tax regulate or restrain any or all shows or exhibitions, public concerts, amusements or other entertainments. 6th. To prohibit all disorderly houses, houses of ill fame, racing, prize fighting, cock fighting, gaming, and gaming houses, within the limits of said town. 7th. To prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy, and to punish all other misdemeanors known to the laws of the state. 8th. To establish night and day police. 9th. To prevent and punish all unlawful assemblies. 10th. To prevent and punish violation of the Sabbath, any disturbance or interference with public or private worship, to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or other improper exhibition. 11th. To prevent and punish wanton, wilful or malicious mischief to houses, fences, fruit, shade, or ornamental trees, animals or other property within the corporate limits of the town. 12th. To keep in repair the public streets, sidewalks, alleys, avenues, bridges and wells; said town to keep them free from obstruction, to widen and change their direction, to discontinue or close them when expedient, and to open new ones. 13th. To regulate weights and measures, to erect public scale houses, to appoint public weighers and measurers, define their duties and fix their compensation. 14th. To license and regulate, or to prohibit the sale, giving or disposition of spirituous, vinous or malt liquors, or other intoxicating beverages

Powers of  
mayor and  
council

Punishm'nts	<p>or intoxicating bitters or concoctions, and may fix such license at a sum not exceeding one thousand dollars. 15th. To license and tax billiard and pool tables; bowling alleys and peddlers. 16th. To prevent stock from running at large in the streets. 17th. To punish by fine not exceeeding one hundred dollars and imprisonment or hard labor; or both, for not exceeding fifty days, any breach or violation of the laws, ordinances by-laws and regulations of said town and to impose additional hard labor and imprisonment for non-payment of fines and costs not exceeding thirty days; <i>Provided</i>. That in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the circuit court of Crenshaw county, Alabama, under the rules and regulations prescribed by the laws of the state for cases tried in the county courts; <i>And provided further</i>, That in all cases of appeal from the mayor's court to the circuit court when the defendant is convicted, the fine assessed against him in said court shall be collected in money and paid over to the treasurer of the town. 18th. To enact such laws and ordinances as may be necessary to regulate and govern hiring the convicts of the town, not inconsistent with the laws of the town, not inconsistent with the laws of the state. 19th. To establish and regulate markets and to rent out the stalls in the same, saving and reserving, however, an ample space therein for the use of the country people who may attend the same with marketable supplies, and to prohibit the selling of fresh meats, poultry, fish, or game, except at the public markets. 20th. To take care of, remove, preserve, designate and regulate all burying grounds within the town.</p>
Appeals	
Town convicts	
Markets	
Cemeteries	

Taxation

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy on all property, real and personal, or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, and the principal and interest of any bonded indebtedness or other indebtedness which said corporation may hereafter incur, not to exceed the rate prescribed by the constitution and laws of the state for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

SEC 7. *Be it further enacted*, That it shall be the duty of the clerk of the said town, to make out by the first day of March in each and every year in a book kept for that purpose, a list of all the taxable property in said town, showing the name of the owner thereof, where the same is known, and where the name of the owner is unknown, showing that fact: That opposite the list of such property, it shall be the duty of said clerk to place the value at which the same was assessed for such taxes the year preceding, and after the said mayor and council have levied the taxes for said year, the said clerk shall place in a column opposite such valuations, the amount of taxes for which said property is liable under said levy. This book when completed must be returned to the mayor and councilmen, who shall cause ten days notice to be given, by posting or by publication in a newspaper published in the town, of the time and place where correction will be made: When corrections shall have been made, as above provided, the assessments must be marked approved. The assessment so approved shall have the force and effect of a judgment and execution, and on failure on the part of the owner of any property to pay said taxes, may collect the same by levy upon and sale of the property, or any other property of any kind owned by such delinquent taxpayers; *Provided*, That no property of any kind shall be exempt from taxation, except such property as is exempt from taxation by the laws of the state; *And provided further*, That all sales of property under the provisions of this act, must be advertised by posting or publication in a newspaper published in the town for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed when known, and the amount of taxes for which it is to be sold: certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sale of property for the collection of the state and county taxes, and shall have the force and effect of transferring titles thereof. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the state, and at the expiration of the

Tax book ;  
duty of clerk

Tax sales

Right to re-  
deem

time for the redemption of the property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property, in accordance with the laws of the state, in relation thereto, and shall be entitled to the same fees therefor, as provided in other cases.

May issue bonds SEC. 8. *Be it further enacted*, That the said mayor and council of said town of Luverne are hereby authorized and empowered to borrow a sum of money not exceeding twenty-five thousand dollars, for the purpose of building a court house in said town, should the county seat of said Crenshaw county be removed to the said town, and for the purpose of building public school houses and other needed public buildings; and for that purpose the said mayor and council are hereby authorized and empowered to issue negotiable coupon bonds in such denominations as they see fit, bearing interest at the rate of not more than eight per cent. per annum, and running for such time as such mayor and council may determine, not to exceed twenty-five years, and to sell the said bonds to the best advantage for the benefit of said town, at not less than 95 cents on the dollar. the coupons thereof to be receivable in payment of all taxes and other dues to the said town of Luverne. Said bonds to be exempt from municipal taxes in Crenshaw county.

Street tax SEC. 9. *Be it further enacted*, That all persons residing within the corporate limits of said town, who are liable to road duty, shall be liable and are hereby required to work on the streets in said town not exceeding ten days in any one year; *Provided*, that all such persons shall be exempt from such duty by paying such street taxes as the corporate authorities may impose, not exceeding five dollars in any one year, and all such persons exempt from road duty by the laws of the state are also exempt from road or street duty within the corporate limits of said town.

Jurisdiction of mayor SEC. 10. *Be it further enacted*, That the mayor of said town of Luverne shall have jurisdiction of and power to try all violations of the laws, by-laws and ordinances of said town, and jurisdiction concurrent with the county and circuit courts of all misdemeanors known to the laws of the state committed within the



corporate limits of said town, and shall have power to punish by fine or imprisonment all contempt of court or process, and in case of the absence of the mayor, or in case he is related to the defendant or otherwise interested in the case, it shall be lawful for either one of the councilmen to act in the mayor's place.

SEC. 11. *Be it further enacted*, That the marshal have the same power to arrest offenders, execute process and enforce law and ordinances of the town as sheriffs have. and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the state. He shall also have power to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial, unless bail is given. Power of  
marshal

SEC. 12. *Be it further enacted*, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the town. Additional  
powers

SEC. 13. *Be it further enacted*, That no prosecution, suit or claim whatever, pending or to be brought under existing laws of said town shall in any manner be affected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of said town of Luverne, adopted in pursuance of the original charter of said town, and not inconsistent with the provisions of this act or the constitution and laws of the State of Alabama, shall be and remain in full force and effect as the by-laws and ordinances of said town until repealed, changed or modified by the mayor and councilmen under this act, and that the present officers of said town of Luverne shall be subjected to the provisions of the act in all things that pertain to their official duties, and shall be vested with all the power and right conferred by this act during their term of office, and until their successors are elected and qualified. Effect of this  
act

SEC. 14. *Be it further enacted*, That before the mayor, treasurer and marshal of said town shall enter upon the discharge of their duties, each shall enter into Bonds of  
mayor, treas-  
urer and  
marshal

bond with approved securities in the penal sum of one thousand dollars, conditioned to faithfully discharge the duties imposed upon them and payable the common council of Luverne to be approved by the mayor and council.

Separate  
school dis-  
trict

SEC. 15. *Be it further enacted,* That the territory included with the corporate limits of the said town of Luverne shall be a separate school district, and shall be entitled to its distributive share of all public moneys for the maintenance of schools within the corporate limits of said town in like manner as other school districts are entitled to such money under the laws of the State of Alabama.

SEC. 16. *Be it further enacted,* That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 6, 1891.

183]

AN ACT

[H. 480

To Prevent the wrongful and Illegal Collection of  
Money on Farm Produce, as Storage.

When un-  
lawful to  
charge stor-  
age

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person, firm, corporation or association, to collect money from any person or persons for storage, or as storage, upon cotton, grain or farm produce of any kind not actually produced or controlled by the person obligating himself to store the same under a valid contract for the future delivery thereof, or reasonable expectation to produce or control the same.

Forfeiture of  
interest, etc

SEC. 2. *Be it further enacted,* That any violation of the provisions of this act by any person, firm, corporation or association, shall operate a forfeiture of the entire interest on the principal of said debt and storage and commissions in favor of the person from whom the same is due, or has been collected.

Approved February 6, 1891.

184]

## AN ACT

[H. 405]

To incorporate the East Alabama Male and Female Institute, Notasulga, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. S. Boxby, J. C. Collins, W. E. Addison, J. T. Akin, and W. T. Dikesun, and their successors in office shall be and they are hereby declared and created a body corporate by the name and style of the "Board of Trustees of the East Alabama Male and Female Institute," in the village of Notasulga, and county of Macon, and by that name shall be able and capable to sue and be sued both at law and in equity, and plead and be impleaded, and shall have power to borrow money, receive donations and bequeaths, purchase and sell and have and hold real estate and other property in perpetuity and free from taxation; *Provided*, the realty and other property shall not exceed in value fifteen thousand dollars.

Name, rights,  
etc

SEC. 2. *Be it further enacted*, That said body corporate or a majority of the members composing the same shall have power to adopt all such rules, regulations and by-laws not repugnant to the constitution and laws of the State of Alabama, as may be needful for the good government and proper regulation of said Institute, and shall have power to elect annually any officers of said board, and may increase the number of said board, and use a common seal and change the same at pleasure.

Power to  
adopt rules,  
etc

SEC. 3. *Be it further enacted*, That said body corporate or a majority of the members composing the same, shall have power to elect annually or otherwise the teacher or teachers of said Institute and prescribe their salaries and in consultation with said teacher or teachers regulate the rates of tuition.

Teachers

SEC. 4. *Be it further enacted*, That said body corporate or a majority of its members shall be authorized and empowered to grant diplomas, confer degrees, certificates, or other evidences of scholarship, and may grant such power or authority to the president or faculty of said Institute, and such diploma or certificate of scholarship shall authorize the pupils or students

Granting di-  
plomas, etc

obtaining the same, to teach in any of the public schools of this state, without undergoing the examination now prescribed by law for such teachers of said public schools.

Vacancies

SEC. 5. *Be it further enacted*, That said board of trustees may fill any vacancy occurring in their number by death or otherwise, by a majority vote.

Approved February 7, 1891.

185]

AN ACT

[H. 119

To promote the comfort of passengers on Railroad Trains.

+  
Equal but  
separate ac-  
commoda-  
tions

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all railroads carrying passengers in this state, other than street railroads, shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by a partition, so as to secure separate accommodations.

Duties of  
conductor

SEC. 2. *Be it further enacted*, That conductors of such passenger trains shall have power, and are hereby required to assign each passenger to the car—or the division of the car, when it is divided by a partition—used by the race to which such passenger belongs; and should any passenger refuse to occupy the car or the division to which he or she is assigned by such conductor, said conductor shall have power to refuse to carry such passenger on his train, and for such refusal neither he nor the railroad company shall be liable for any damages whatever in any court; *Provided*, That this act shall not apply to cases where white or colored passengers enter into this state upon such railroads under contract for their transportation made in other states where like laws to this do not prevail.

Penalty  
against pas-  
senger

SEC. 3. *Be it further enacted*, That any passenger upon a train provided with separate coaches or divisions for the passengers, who shall ride or attempt to ride in a coach or division of same not designated for

his or her color, contrary to the provisions of this act, shall be guilty of a misdemeanor, and shall be fined, upon conviction thereof, not exceeding one hundred dollars; *Provided*, That such railroad companies shall have the right to regulate and control the travel on all other coaches in each of their said trains except the two coaches, or double coach, as the case may be, as provided for in this act.

SEC. 4. *Be it further enacted*, That all railroad companies that shall refuse or neglect within sixty days after the approval of this act, to comply with the requirements of section one of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not exceeding five hundred dollars; and any conductor that shall refuse or neglect to carry out the provisions of section two of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not exceeding one hundred dollars.

Penalty  
against rail-  
road com-  
pany

Penalty  
against con-  
ductor

SEC. 5. *Be it further enacted*, That all laws in conflict with the provisions of this act be and same are hereby repealed.

Laws in con-  
flict repealed

Approved February 6, 1891.

186]

AN ACT

[H. 824

To incorporate "The Alabama Street Presbyterian Church," located in Selma, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Grigsby E. Chandler, pastor, and R. R. Morey, J. H. Barr, E. A. Buhler, E. S. Gatchell, L. W. Hubbard, William Adams and H. Harthan, Elders, and their associates and successors, be and they are hereby incorporated by the name of, "The Alabama Street Presbyterian Church;" and that said corporation shall be located at the city of Selma, in the State of Alabama, and have its principal office there.

Name

SEC. 2. *Be it further enacted*, That the persons above named and their successors, as pastors and elders, shall be the trustee for the said corporation, and when

Trustees

any one of dies, resigns or is deposed, he shall cease to be such trustees; and all persons who shall hereafter be pastor or elder of said church shall be a trustee for said corporation. And the trustees of said corporation shall be the governing power thereof, and shall have full power and authority to govern, manage, direct and control all the property and business of said corporation.

Power and  
authority

SEC. 3. *Be it further enacted*, That the said corporation shall have power and authority to purchase, hold and own real and personal property; to appoint such officers and agents as may be deemed best, and prescribe their duties; to sue and be sued; to have a common seal and to change it; and to do all other things which may be necessary or proper for the conduct and management of the property of a church organized for religious worship.

Approved February 6, 1891.

187]

AN ACT

§ 616

For the relief of the estate of John R. Dickin deceased.

*Whereas*, The State of Alabama did on the 20th day of February, 1872, patent to John R. Dickin the southwest quarter of section 17 township 1 north range 4 west containing 160 acres; *And whereas*, The said lands had been granted to the Mobile and Ohio Railroad Company by act of September 20th, 1850: *And whereas*, The sum of sixteen dollars and seven cents was paid into the State Treasury as the purchase money for said land and one dollar and thirteen cents has been paid for state taxes into the treasury of the state; *And whereas*, The said John R. Dickin is now dead and Samuel H. Dickin is his duly qualified administrator, Therefore,

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of seventeen dollars and twenty cents be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated for the re-imbursement of the estate of



said John R. Dickin deceased ; and the auditor of the state of Alabama be, and he is hereby authorized and required to draw his warrant on the state treasurer for the sum of seventeen dollars and twenty cents in favor of Samuel H. Dickin as administrator of the estate of John R. Dickin deceased.

Approved February 6, 1891.

188]

AN ACT

[H. 319

To ratify and amend the charter of the Security Bank of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter of the Security Bank of Alabama issued on the 18th day of February, 1890, by the probate judge of Calhoun county under the general laws of Alabama is hereby declared to be in all respects legal and that all the acts of said corporation not inconsistent with the laws of the State of Alabama are hereby confirmed and ratified.

Charter confirmed

SEC. 2. *Be it further enacted*, That in addition to the powers of the Security Bank of Alabama, as given to it by its organization under the general statute laws of the State of Alabama, shall have and possess the following powers, viz: To loan money upon real estate or personal security or on such security as it may approve; to buy, hold, acquire, enjoy, sell, and convey, improve, lease, rent or mortgage all such real estate as it may desire or become possessed of in the management of its business, or for any purpose for which said bank may desire to use or deal in the same; to issue bills of exchange, mortgages or bonds secured by mortgages on its real and personal property or other collaterals it may have in the transaction of its business possessing in such respects the same powers as individuals now enjoy.

Powers

SEC. 3. *Be it further enacted*, That said Security Bank of Alabama shall have the right and power to purchase, sell and hypothecate mortgages and deeds of trust; to purchase and sell United States government,

Rights and powers

state and municipal bonds and other securities; to buy and sell real estate, personal property and securities on commission; to negotiate loans and to guarantee the payment of the principal or interest thereof, one or both; if desired to collect bills of exchange, promissory notes or other evidences of debt or bonds or securities or choses in action; to endorse and become security for individuals firms or corporations who may negotiate loans through it; to accept and execute such trusts as may be committed to it by individuals, firms, corporations or courts.

Power and  
authority

SEC. 4. *Be it further enacted*, That said Security Bank of Alabama shall have the power and authority to act as agent or broker of and for resident or non-resident corporations and natural persons in and about the negotiating, obtaining and placing loans on real estate mortgage or other security, bearing interest at lawful rate, and to act therein for either the borrower or lender, or as middle-man between the two; and to charge and receive from either the borrower or lender such compensation or commission for its services in the premises as may be agreed upon between it and the party for whom the service is rendered.

May act as  
fiscal agent

SEC. 5. *Be it further enacted*, That said Security Bank of Alabama shall have power and authority to act as the fiscal agent of any state, county, town, city, domestic or foreign corporation in receiving, disbursing or investing its money or other property, or for issuing, registering or countersigning bonds or certificates of stock, and paying coupons, negotiating the sale of securities or bonds, or guaranteeing their payment, and for such services may charge and collect such compensation as may be agreed upon.

Debenture  
bonds

SEC. 6. *Be it further enacted*, That said Security Bank of Alabama may, and it is hereby fully authorized and empowered, to issue debenture bonds bearing not exceeding eight per cent. per annum interest, the same to be secured by first mortgage on such of its property as it may elect to pledge as security for such bonds or evidences of indebtedness, said property so mortgaged as security to be held in trust by a trustee appointed for that purpose, and said debentures shall run for a term of years not exceeding ten years.

SEC. 7. *Be it further enacted.* That said Security Bank of Alabama may be appointed guardian of any infant or any person non compos mentis, or executor or administrator of the estate of any deceased person, or trustee of any express trust created by law or by contract, and shall be subject to the duties and responsibilities; shall have the same powers and shall receive the same compensation as may be fixed by law for a natural person holding similar offices or trusts; and on its appointment to any such trust or office, said Bank shall be required by the court to give security as natural persons; *Provided, however,* said Bank shall not be required to accept any such office or appointment without its own assent.

May be  
guardian, ex-  
ecutor, etc

Approved February 7, 1891.

189]

AN ACT

[H. 327

To fix the Fees of the Circuit Clerk of Hale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following fees be allowed and fixed as the fees of the circuit clerk of Hale county: for performing official duties not otherwise provided, to be paid from the county treasury, such sums as may be allowed by the court of county commissioners, not exceeding four hundred dollars per annum.

Fees

SEC. 2. *Be it further enacted,* That the said clerk shall be entitled to the following fees in criminal cases: For docketing each cause to be charged but once, twenty-five cents; for issuing any writ, *sci fa*, or notice, seventy-five cents; for each subpoena issued, thirty cents; for each continuance by the defendant, thirty cents; taking undertaking recognizance and entering the same, seventy-five cents; for each trial, seventy-five cents; for entering judgment against defendant, thirty-five cents; for issue of each execution, fifty cents; entering order of removal of trial and incidents of such removal, one dollar; making transcript and certificate, for each hundred words, twenty cents, but in no case less than one dollar; entry of forfeitures

against the defendant, seventy-five cents; entry of final judgment of forfeiture against defendant, seventy-five cents, entry of forfeitures against witness or juror, each fifty cents; final judgment, thirty cents; final record, for each hundred words, twenty cents, but in no case less than two dollars; record for supreme court, for each hundred words, twenty cents; certifying the same, twenty-five cents; for recording indictments and making certified copies thereof, under sections 4388 and 4392 of the code, to be taxed as part of the costs in the case, fifty cents.

Fees act does not affect SEC. 3. *Be it further enacted*, That the provisions of this act shall in no ways affect the fees now allowed such clerk in civil causes.

Laws in conflict repealed SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 6, 1891.

190]

AN ACT

[H. 528

To repeal an act entitled "An Act to Amend an Act to Regulate the Fees of Officers of Court against the Fine and Forfeiture Fund of Wilcox county.

\* SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county," approved December 4, 1888, be and the same is hereby repealed.

Approved February 6, 1891.

191]

AN ACT

[H. 542

To authorize the election of four commissioners for the court of county commissioners of Chilton county, and to direct the court of county revenues of said county to turn over and deliver the records and papers on

file in said court to the court of county commissioners of said county of Chilton.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the qualified voters of said county of Chilton shall, on the first Monday in August, 1892, and every four years thereafter, elect one commissioner for each district, whose term of service shall commence on the second Monday in August, 1892, and hold office for four years, and they shall reside in the district for which they are severally elected. Election of commissioners

SEC. 2. *Be it further enacted*, That the court of county revenues of said county, shall, on the second Monday in August, 1892, turn over and deliver the records and papers on file relating to the business of said court, to the court of county commissioners of said county, which said record and papers on file, shall be the record and papers on file in said court of county commissioners. Records and papers

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby repealed. Laws in conflict repealed

Approved February 6, 1891.

192]

AN ACT

[H. 468

To amend Sections Three, Seven and Twenty-four of an act to incorporate the City of Jenifer, Alabama, approved February 28th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section (3) of an act to incorporate the city of Jenifer, Alabama, be amended so as to read as follows: That the board of mayor and aldermen shall consist of a mayor and five aldermen, to be elected by the qualified voters of said city of Jenifer, Alabama, as hereinafter provided. Mayor and five aldermen

SEC. 2. *Be it further enacted*, That section (7) of said act be amended so as to read as follows: That the first election of city officers elected by the people under this chapter shall be held on the first Monday in Election

April, 1889, and biennially on the first Monday in April thereafter, and the city officers so elected shall hold their several offices for the term of two years, and until their successors are duly elected and qualified; and James E. Hendrick is hereby appointed mayor of said city of Jenifer, and J. P. McKaskell, C. N. Porter and E. E. Linthicum are hereby appointed aldermen of said city of Jenifer, and shall hold office until the first regular election for mayor and aldermen held under this charter, and until their successors are elected and qualified; and in case of any vacancy in the office of mayor, caused by his resignation, removal from the city, death or suspension. the aldermen of said city, at their next regular meeting after such vacancy, or as soon thereafter as they may determine, may proceed to fill such vacancy by election, a majority of the aldermen present being necessary to elect; and such person shall hold office during the unexpired term of his predecessor, and until his successor is duly elected and qualified. In the event of a tie in the election of aldermen, the mayor shall have the casting vote.

#### Vacancies

SEC. 3. *Be it further enacted*, That in case of vacancies occurring upon the board of aldermen, caused in either of the manners heretofore mentioned which shall reduce the number of aldermen to less than a quorum, so that the remaining aldermen cannot legally elect successors to fill such vacancies, then the governor of the State of Alabama shall be and he is hereby fully authorized and empowered to fill such vacancies by appointment, just as the board of aldermen could if they had acted before the quorum was lost.

#### Duty of the governor

SEC. 4. *Be it further enacted*, That it shall be and it is hereby made the duty of the governor of this state to appoint two additional aldermen provided for in section one of this act; who shall hold their office until the next regular election as provided for under the original charter of the city of Jenifer.

#### Street tax

SEC. 5. *Be it further enacted*, That section (24) be amended so as to read as follows: section (24). *Be it further enacted*, that the said mayor and aldermen shall have authority to assess and collect annually on each male inhabitant residing in said city between the ages of twenty-one and forty-five years of age a special



tax of not exceeding three dollars, as a street tax; *Provided*, that any person liable for such street tax may relieve himself of the same by working on the streets of said city under the direction and control of a street superintendent or other officer appointed by the mayor and aldermen for the purpose; and they may provide such penalty for the failure to pay such street tax, as is now provided by law for failure to work the roads in Talladega county; the inhabitants of said city are not exempt from working on the roads and highways out of the said city.

Approved February 6, 1891.

193]

AN ACT

[H. 222

To require County Administrators to keep a Book of Record, and to make such Book of Record free for examination of all persons.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this Record act county administrators in the various counties of this state shall keep a book containing full and complete records of all their official acts and matters in their charge, and which book shall be furnished them by the county commissioners.

SEC. 2. *Be it further enacted*, That from and after the passage of this act the records of county administrators shall be free for the examination of all persons when not in use.

Free for examination

Approved February 6, 1891.

194]

AN ACT

[H. 634

To amend section one of an act to establish partial stock law districts in Talladega county so as to include precincts seven, eight, eleven, and all of that part of two lying east of the Jackson Trace Road, and beat No. 3, and sections 6 and 7, and N.  $\frac{1}{2}$  of section 5, in beat No. 13, township 20 and range 5, in said county.

SECTION 1. *Be it enacted by the General Assembly*

Stock law

*of Alabama*, That section one of an act to establish partial stock law districts in Talladega county, approved February 21, 1887, and amended so as to include precincts five and one in said county, and approved February 27, 1889, be and the same is hereby amended so as to read as follows, viz: section 1. Be it enacted by the general assembly of Alabama, that ten days after the passage of this act, no hogs, sheep, goats, or calves, shall be allowed to run at large in beats or precincts Nos. 4, 6, 9, 1, 7, 8, 11, and all of that part of precinct 2 lying east of the Jackson Trace Road, and beat No. 3, and sections 6, 7, and N.  $\frac{1}{2}$  of section 5, in beat 13, township 20 and range 5 in said county. And no geese shall be allowed to run at large in beat 3.

Approved February 6, 1891.

195]

AN ACT

[H. 231

To repeal an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public having like powers in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8, 1877, so far as the same relates to Walker county.

Repeal as to  
Walker Co

\* SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public with like powers in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8, 1877, be and the same is hereby repealed so far as the same relates to Walker county.

Approved February 6, 1891.

196]

AN ACT

[H. 537]

To amend an act entitled an act to incorporate the town of Northport, approved February 12, 1879, by adding the following additional sections to said act incorporating said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That said act incorporating the town of Northport, approved February 12, 1879, be amended by adding the following sections thereto: Act amended

SEC. 54. *Be it further enacted*, That the mayor and aldermen shall have power to establish and regulate fire wards and fire companies and to require owners of houses to keep ladders and fire buckets; to provide by law for the extinguishment of fire, pulling down houses, buildings and fences to stop the progress of fire. Fire wards,  
etc

SEC. 55. *Be it further enacted*, That said mayor and aldermen shall have power to provide said city with a full supply of water, and for this purpose may dig wells and cisterns, and build aqueducts, or erect and construct waterworks or by such other means as they may deem best, so as to promote the health, cleanliness and safety of said town and to preserve the houses and property of the inhabitants from destruction by fire. Water supply

SEC. 56. *Be it further enacted*, That said mayor and aldermen shall have power and authority to establish and erect gas works for lighting said city with gas and electricity, and for this purpose and also for the purpose of erecting and constructing water works, may contract for, hold and use and take the right of way over, through or upon any lands necessary, and if said corporate authorities can not agree with the owners of said lands as to their purchase, then said corporate authorities shall be entitled to all the benefits, right and power of "an act to prescribe the mode of taking private property for railroads or other purposes for public use," approved February 1, 1870, or if said corporate authorities deem it advisable, they shall have power and authority to contract with any person, or association of persons, or corporation to light said city Lights

with gas and supply said city with water. They shall also have full power to regulate all matters connected with said gas works and water works, by them established and to fix the price at which gas and water shall be supplied to the inhabitants.

Storage

SEC. 57. *Be it further enacted*, That the mayor and aldermen shall have power to regulate, restrain and prohibit the storage of cotton, powder, gun cotton, kerosine oil and all explosive oils, nitro-glycerine, shucks and hay or any other combustible article, in greater quantities than is necessary for the retail trade within certain limits in said city, to be by them fixed by ordinance, and the fine for a violation of said ordinance shall be fifty dollars.

License

SEC. 58. *Be it further enacted*, That the mayor and aldermen shall have power to license and regulate pawn-brokers, auctioneers, commission merchants, eating houses, restaurants, livery and sale stables, billiard rooms and tables; also to license and regulate hacks, carriages, wagons, drays, carts and horses running for hire within the corporate limits; also to license lager beer saloons, lotteries, raffles and theaters; and also to regulate the price of bread.

Vagrants, etc

SEC. 59. *Be it further enacted*, That the mayor and aldermen shall have power to cause all vagrants, idle, disorderly or dangerous and suspicious persons, all persons of evil life or ill-fame and all such as have no visible means of support or are likely to become chargeable to the city, as paupers, or are found begging, or drunk in or about the streets or about tippling houses, and who have no visible or honest employment or business in the city, all who have no fixed place of residence or cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly, and all prostitutes who lead a notoriously lewd or lascivious course of life, to give bond and security for their good behavior for a reasonable time, and in case of their inability or refusal to give such security to cause them to be punished by fine, imprisonment or hard labor for the city for a term to be fixed by ordinance of said board of mayor and aldermen.

SEC. 60. *Be it further enacted*, That said mayor and aldermen shall have full authority and control over

any grave yard or burial ground used by said city; to regulate, improve and enlarge the same by purchase or otherwise, to regulate interments therein and appoint a sexton therefor.

Burial  
ground

SEC. 61. *Be it further enacted*, That said mayor and aldermen shall have power and authority to issue bonds of said town of Northport, not to exceed ten thousand dollars, which bonds shall bear interest at a rate not more than eight per cent, with coupons attached, payable to the bearer semi-annually at the city treasury and to be received for city taxes from the holder or any transferee. Said bonds may be issued to construct erect or purchase water-works, gas-works or electric lights, or a system of sewerage as may be determined by said mayor and aldermen.

Authority to  
issue bonds

SEC. 62. *Be it further enacted*, That said bonds may be issued in sums of one hundred dollars, or any multiple thereof not greater than one thousand dollars. They shall be signed by the mayor and countersigned by the secretary of said city, and have the county seal attached to each. The coupons shall be signed and numbered by the city secretary, who shall keep a correct account of all bonds issued and disposed of under this act. Said bonds shall be made payable at such times as the mayor and aldermen may agree upon not exceeding thirty years from their issuance, may be transferred by delivery as negotiable papers, and shall be redeemed at the city treasury at maturity.

Bonds signed  
by mayor,  
etc

SEC. 63. *Be it further enacted*, That said bonds shall be exempt from all municipal and county taxes for a period of twelve months, in Tuscaloosa county after they mature or fall due, but no longer.

Exempt from  
tax

Approved February 6, 1891.

197.]

AN ACT

[s. 288

To provide for a vote of the people on the subject of a permanent location of the County Site of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the sheriff of

Election for  
county site

Franklin county to open and hold an election at the various precincts in said county, on the third Monday in April, 1891, to ascertain whether a majority of the legal voters in said county are in favor of the removal of the seat of justice from Belgreen, its present location. The said sheriff shall give at least thirty days notice in writing and posting up where the probate judge's office is at the time situated, and at the place of voting at each of the election precincts in said county, and by advertisement in some newspaper published in said county for four consecutive weeks prior to said election, and shall provide for the holding of said election, making the returns, and ascertaining the result in the same manner and under the same restrictions as are now provided by law for the election of members of the general assembly, and under all the pains and penalties for failure to perform the duties required by the general election laws of the state.

Words on  
ballot

SEC. 2. *Be it further enacted*, That each voter shall have endorsed in writing or printed on his ticket "Removal" or "No Removal," and if it appears on the ascertainment of the result, that a majority of the voters of said election have voted "No Removal," the effect of said vote shall be the location of the county site at Belgreen; but if a majority of the votes are cast in favor of the removal, then it shall be the duty of the sheriff in like manner as before to provide for a second election, to be held on the second Monday in July, 1891, at which any place or places the commissioners court, may, by order of record nominate, not exceeding four places, or either of the places nominated, and if it appears on the ascertainment of the result, that one of the places voted for has received a majority of all votes cast at said second election, said second election shall determine the permanent location of the county site at the place having the majority vote. But upon ascertaining the result, neither of the places nominated and voted for at second election shall have received a majority of all the votes cast, then it shall be the duty of the sheriff of said county to provide, in all particulars as in the former election, for a third election on the first Monday in September, 1891, at which each voter shall have endorsed in writing or printed on his ticket one

Duty of sheriff if result is for removal



of the places voted for at the second above mentioned election, which received the highest and the next or second highest number of votes cast at said second election, and a majority of the votes cast at the said third election in favor of one of the two places which had the highest and next highest vote at the second election, shall determine the question of the permanent location of the county site at the place having received the highest vote.

SEC. 3. *Be it further enacted*, That if the seat of justice of said county shall be removed from Belgreen and located at any other place by the election provided for in this act, the members of the court of county commissioners are hereby authorized and empowered to select the most suitable place, in their opinion, for the erection of the public buildings in the place named and selected by the votes cast at said election; and shall provide suitable buildings for the offices of the county officials, if such are to be had, until a court house can be built, and the records and books of the county officials shall be moved to the buildings as soon as they are provided.

Duty of  
commission-  
ers court

SEC. 4. *Be it further enacted*, That the managers and clerks of the election provided for in this act, shall receive no compensation for their services in holding said election, except the returning officers, who shall be entitled to the same pay as they are allowed by law in other elections.

Returning  
officers enti-  
tled to pay

Approved February 6, 1891.

198]

AN ACT

[s. 34

To extend the Geological and Agricultural Survey of the State of Alabama.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That Eugene A. Smith, State Geologist, in addition to the duties required of him by the act of the General Assembly, approved February 19, 1883, be authorized and directed to proceed at once to the more detailed examination, description and mapping of the Warrior and Coosa coal fields; of the iron ore

Additional  
duties of  
state geolo-  
gist

and other mineral regions of the State, and to the more thorough investigation of the agricultural resources of the state, especially as regards the occurrence of phosphates, marls, gypsum and other natural fertilizers, and to make to the governor such general or special reports thereon as well as on any of the other natural resources of the state, as he may deem for the best interests of the state; which said reports shall be printed, and shall be the property of the state. And it shall be the duty of the state geologist and his assistants, when they discover any deposits of iron ore, coal, phosphates, or other substances of value, to notify immediately the owners of land upon which such deposits occur.

Annual ap-  
propriation

SEC. 2. *Be it further enacted*, That from and after the passage of this act, and until otherwise provided, the appropriation for the geological and agricultural survey shall be seven thousand five hundred dollars per annum.

Salary

SEC. 3. *Be it further enacted*, That the state geologist, who is at present acting as professor in the University of Alabama, and receives a salary from said university of one hundred and fifty dollars per month, shall receive out of said appropriation a salary of fifty dollars per month as state geologist while so employed and paid by the University of Alabama; but shall receive out of said appropriation a salary of two hundred dollars per month when not so employed and paid by the University of Alabama.

Act made ap-  
plicable to  
this

SEC. 4. *Be it further enacted*, That the provisions of the act of the general assembly, approved February 19, 1883, relating to the appointment of assistants, the drawing and expenditure of the appropriation, and the filing and publication of the accounts of the state geologist, be continued in force and made applicable to the present act.

Approved February 6, 1891.

199]

## AN ACT

[H. 332

To incorporate The Town of Seale, in the county of Russell.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Seale shall be and constitute a body politic and corporate by the name of "The Town of Seale," and by that corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real and personal property, and dispose of the same for the benefit of the town, and may have and use a town seal, which may be changed at pleasure.

Name, rights,  
etc

SEC. 2. *Be it further enacted*, That the corporate limits of said town of Seale shall embrace all the territory within one half mile from the west door of the court-house in said town, as follows: Beginning at the said court-house door, and extending due north, east, south and west one half mile, so that the length and breadth of said incorporation would each be one mile.

Corporate  
limits

SEC. 3. *Be it further enacted*, That the government of said town of Seale shall consist of, and its corporate powers shall be exercised by, a mayor and four councilmen, who shall be elected on the third Monday in March, 1891, and annually thereafter on the first Monday in January of each year by the male inhabitants of said town who are entitled to register and vote under the laws of this state; and that said election in March, 1891, shall be held under the direction of three qualified electors in said town to be appointed by the judge of probate of Russell county, at some convenient place in said town, after giving ten days notice by posting in writing; and said three electors so appointed, or either of them, in case one should fail to serve, shall hold said election and declare the result of the same, and give certificates of election to the persons so elected, and such persons before entering upon the duties of their office shall take an oath to discharge their duties without favor or partiality, which oath may be administered by any officer authorized by law to administer oaths.

Election of  
officers

**Term of office** SEC. 4. *Be it further enacted*, That the said mayor and councilmen shall continue in office until their successors are elected and qualified, and the mayor of said town shall give notice and conduct each election subsequent to the election in March, 1891, in such manner as the mayor and councilmen may direct.

**Vacancies** SEC. 5. *Be it further enacted*, That in case of the death, resignation or removal of any officer of said town, the remaining members of the board shall elect in his stead another mayor or councilman, who shall continue in office until his successor is elected and qualified.

**Quorum** SEC. 6. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business, and in case of the temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor.

**Duties of mayor** SEC. 7. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside at all meetings of the council, administer oaths, keep order, put questions, take votes, &c., and he is hereby invested with the power and authority to take jurisdiction in every violation of the laws and ordinances of said town; to try and convict and punish persons committing the same and to punish any contempt of his court by fine and imprisonment, but the imprisonment shall not exceed twenty-four hours, nor the fine twenty dollars.

**Marshal and other officers** SEC. 8. *Be it further enacted*, That the mayor and councilmen shall have power to elect a marshal, and such other officers and agents as may be deemed proper for the good government of said town.

**Authority of marshal** SEC. 9. *Be it further enacted*, That the marshal shall have power and authority without warrant to arrest all offenders or violators of any ordinance of said town, and bring them before the mayor; to execute by levy and sale all process issued by the mayor for the collection of taxes, fines, forfeitures and other dues owing to said town, and to discharge such other duties as may be required of him by the laws and ordinances of said town.

**Powers of mayor and council** SEC. 10. *Be it further enacted*, That the mayor and councilmen shall have complete powers: 1st. To make and adopt by-laws and ordinances in whatever manner,

and upon whatever subject to carry into effect the powers herein granted, and for the good government and order of said town, and affix thereto penalties for violations of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said town failing to pay or secure such fine and costs of conviction may be imprisoned on such failure or placed at hard labor for the town until such fine and costs are paid in such manner as the mayor shall direct, not longer than thirty days; *Provided*, any person convicted for any violation of the laws and ordinances of said town may appeal from such judgment of conviction to the circuit court of said county by giving bond with good and sufficient security as required by law; but such appeal shall not be allowed unless taken within five days after such conviction. 2d. To pass all laws and ordinances necessary to prevent the introduction of contagious and infectious diseases into said town, and to preserve the health thereof and to abate public nuisances. 3d. To license, tax, regulate and restrain theatrical and other amusements. 4th. To restrain and prohibit gambling, gaming houses, disorderly conduct, and anything else hurtful to the good order and morals of society. 5th. To open, locate, establish, widen, repair and regulate streets and alleys, and to change, alter or abolish and vacate them, or any part thereof. 6th. To control and regulate the planting of shade trees on all streets and alleys of said town, and may pass such ordinances for the protection of such trees as they may deem proper.

SEC. 11. *Be it further enacted*, That the mayor and councilmen shall have power and authority to fix a tax Taxes on all licenses, to levy and collect tax on real and personal property subject to taxation under the laws of Alabama; *Provided*, That the tax on real and personal property shall not exceed one fifth of one per cent.

SEC. 12. *Be it further enacted*, That the mayor and councilmen of said town shall have power and they Work on streets are hereby authorized to require each and every male inhabitant of said town within the corporate limits of said town, between the ages of eighteen and fifty years,

to work on the streets of said town not exceeding ten days of each year, and may enforce the aforesaid duty by the same penalties as prescribed by law for failing to work on the public roads after warning, and may pass such ordinances, and provide such regulations and proceedings as may be necessary to enforce the same; *Provided*, That any person may relieve himself from working on said streets by paying into the treasury of said town such sum as the mayor and councilmen may direct, not to exceed the sum of five dollars per annum.

**Exempt from road duty** SEC. 13. *Be it further enacted*, That all persons residing within the corporate limits of said town, who work on the streets, or pay a street tax under the provisions of this act, shall be and are hereby exempted from road duty outside of said town.

**Compensation of officers** SEC. 14. *Be it further enacted*, That the councilmen of said town shall receive no compensation, and the mayor only such compensation as provided for in section 15, and the marshal shall receive such compensation as the mayor and councilmen shall annually fix by resolution; *Provided*, that the compensation of said marshal shall not exceed the sum of one hundred dollars per annum, in addition to such fees as are provided for by section 15 of this act.

**Fees** SEC. 15. *Be it further enacted*, That in all criminal prosecutions before said mayor he shall be allowed \$2.00, and said marshal shall receive the same fees as sheriffs receive for similar services.

**Laws in conflict repealed** SEC. 16. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; *Provided*, That nothing herein contained shall have the effect of repealing any law prohibiting the sale of vinous, spirituous, or malt liquors within the territory embraced in this act.

Approved February 7, 1891.



To receive and appropriate the moneys granted to the State of Alabama by act of Congress, approved August 30th, 1890, entitled an act to apply a portion of the proceeds of the Public Lands to the more complete endowment and support of the Colleges for the benefit of Agriculture and the Mechanic Arts, etc., and other purposes.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That inasmuch as by the act of congress for the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, approved August 30th, 1890, the grants of moneys uthorized by said act are made subject to the legislative assent of the several states and territories to the purpose of said grants, it is hereby declared that the assent of the general assembly of the State of Alabama is given to the purpose of the grants made in said act of congress; and the trustees of the institution receiving said grants are hereby directed to comply with the terms and conditions expressed in the act aforesaid, using all moneys received under said act of congress faithfully for the purposes named therein. Legislative assent

SEC. 2. *Be it further enacted*, That the division of the fund to be received under said act approved August 30th, 1890, eighteen hundred and ninety, between one college for white students and one institution for colored students shall be based, from year to year, upon the ratio of the number of each race of legal school age to be total population of school age in the State of Alabama, as shown by the state school census next preceding the annual payment of said fund by the United States Treasurer, said ratio being, for the year 1888-89, white (56.6) fifty-six and six-tenths per cent.; colored (43.4) forty-three and four-tenths per cent.; it being provided that their division may be, at any time modified by the written consent of the secretary of the interior of the United States and the governor of Alabama. Ratio of division of fund

SEC. 3. *Be it further enacted*, That that portion of the grant of money received by the State of Alabama

Appropriation

under said act of congress, approved August 30, 1890, herein set apart for the education of white students, is appropriated to the Agricultural and Mechanical College of Alabama at Auburn, and that portion of the said grant herein set apart for the education of colored students is appropriated to the Huntsville State Colored Normal and Industrial School.

How paid

SEC. 4. *Be it further enacted*, That the money appropriated in this act to the Agricultural and Mechanical College at Auburn, and to the Huntsville State Colored Normal and Industrial School shall be drawn from the state treasury, as ordered by the trustees of the said institutions, on the warrant of the auditor, approved by the governor.

Approved February 13, 1891.

-201]

AN ACT

[H. 106

To incorporate The Alabama State Mining and Manufacturing Company.

Cooperators

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Charles Schiff and John F. Winslow of Cincinnati, Ohio, and William J. Cameron, Frank Y. Anderson and N. W. Trimble, of Birmingham, their associates, successors and assigns, be and they are hereby constituted a body corporate, under the name and style of The Alabama State Mining and Manufacturing Company.

Name

Powers

SEC. 2. *Be it further enacted*, That said corporation shall have and is hereby invested with the following powers, namely: To exist perpetually as a corporation; to have a common seal, and to alter and change the same at pleasure; to sue and be sued; to engage in and carry on the business of mining coal, iron ore, limestone, manganese, and other minerals; to engage in and carry on the business of manufacturing coke, iron and steel, and such other articles as may be manufactured from the minerals said company is authorized to mine; to engage in and carry on the business of buying and selling lands, and to contract for

the purchase and sale of lands ; to subscribe for stock in other corporations and to buy and sell the stock and bonds of other corporations, and to receive in payment for debts due it the stock and bonds of other corporations, and to vote such stock so acquired in such other corporations notwithstanding the character of the business in which such other corporations are engaged ; to build, operate and construct such railroads, tramroads and other roads as may be necessary to enable it to carry on its business of mining and manufacturing or either of said businesses, and for that purpose to condemn or otherwise acquire real estate and rights-of-way; to borrow money and to secure the same by a mortgage or deed in trust upon all or any portion of its property ; to take in part payment for subscriptions to its stock real estate and to contract to pay in money for the balance of the purchase price of such real estate, and to secure the payment of such balance by mortgage or deed in trust upon all or any portion of its property, to be executed to such subscriber for its stock or to the vender of such subscriber in assumption of the amount that may be owing to such vender by such subscriber, and to otherwise fully and completely assume and become bound for any balance that may be due from such subscriber or subscribers, to his or their venders, and to put into such mortgage or deed in trust such terms, conditions and provisions as may be agreed upon by the parties thereto.

SEC 3. *Be it further enacted*, That said corporation be and it is hereby authorized to have a capital stock of ten millions of dollars ; said stock shall be divided into one hundred thousand shares, of the par value of one hundred dollars each. The control and management of the business and affairs of said corporation shall be vested in a board of directors to consist of not less than three nor more than nine persons, to be elected by the stockholders, and who shall hold their offices until their successors are elected and qualified. Said board of directors shall have power to fill vacancies occurring therein by death or resignation, at any meeting called for that purpose, and the said board shall have power to elect a president, secretary, treasurer and such other officers of said corporation as its

business may require and to fix and prescribe their compensation. Said board may at any time and at pleasure remove any officer of said corporation. Said board shall be authorized to require any officer of said corporation to execute a bond with sureties to be approved by said board, payable to the corporation and in such amount as said board may prescribe, conditioned to faithfully discharge and perform all his duties as such officer.

\* Subscrip-  
tions to stock

SEC. 4. *Be it further enacted,* That subscriptions to the capital stock of said corporation may be made in money, labor and real or personal property or their money value, owned by the subscriber, or for the purchase of which he has a binding agreement, and when such subscription is made payable in property for the purchase of which the subscriber had a binding agreement, the said corporation may assume the payment of the amount due therefor by such subscriber, and secure the payment of the same as hereinafter provided.

Organization

SEC. 5. *Be it further enacted,* That the said Charles Schiff, John F. Winslow, William J. Cannon, Frank Y. Anderson and N. W. Trimble, or any two or more of them, are hereby authorized to open books of subscription to the capital stock of said corporation, at such time and place as they may appoint, and when as much as five hundred thousand dollars of the capital stock shall have been subscribed, and ten thousand dollars in cash paid in, the said corporation, or such of them as shall open said books of subscription, shall call said subscribers together, and a majority in value thereof being present in person or by proxy at such meeting, they shall elect from among themselves a board of directors, to consist of not less than three nor more than nine persons, to serve for the ensuing twelve months, and until their successors are elected and qualified. Said board of directors shall, as soon as practicable after this election, elect a president, secretary, and treasurer, and such other officers as the business of said corporation may require. When said elections are had, said corporation shall be authorized to commence business, and it shall be the duty of said board of directors immediately after such elections to collect from the subscribers to the stock of said corporation their

subscriptions, requiring the payment of cash in all subscriptions so payable, and requiring a conveyance to said corporation of all property, real or personal, subscribed to its stock, and the execution and delivery to said corporation of agreements to perform any all labor subscribed to the stock of said company. Any stock of said corporation remaining unsubscribed for at the time of the first election of officers herein provided for, may, at any time or times thereafter, be subscribed and paid for in money, labor, real or personal property owned or contracted for by the subscribers as hereinbefore provided, and such subscriptions shall be made at such times and places as the books of the company shall be opened for that purpose by the board of directors.

SEC. 6. *Be it further enacted*, That the subscribers for the stock of said corporation shall not be liable for the debts of said corporation. For any balance due in money upon subscriptions payable in money, the subscriber shall be liable to the corporation which may be reached as now provided by law. There shall be no liability to said corporation or to any creditors thereof upon subscriptions payable in property owned or contracted for by the subscriber, after a conveyance of such property to the corporation or a tender of a conveyance, in conformity to a subscription which has been accepted by the board of directors. In case of the refusal of such subscriber to convey or cause to be conveyed to said corporation property subscribed by him for stock, he shall become liable to said corporation and to the creditors thereof for the par value of his stock in money, but such subscriber shall in no other event become liable to any person or corporation on account of such subscription, and there shall be no liability on the part of the purchaser or holder of the certificates of stock in said corporation paid up as herein provided for.

Liability of  
stockholders

SEC. 7. *Be it further enacted*, That the stockholders of said corporation shall meet annually at the principal place of business of said corporation, for the purpose of electing a board of directors; and a majority thereof in value in person or by proxy at such meeting shall constitute a quorum for such election and the transaction

Annual  
meetings

of any other business said stockholders may be authorized to do. At any regular meeting for the election of directors the number of directors constituting the board may be determined within the limits fixed by this act. The first meeting of stockholders under the provisions of this act may adopt for the government and regulation of the corporation such by-laws as shall not conflict with the general laws of the state, and at each annual meeting thereafter said stockholders may repeal, modify or amend its by-laws and adopt new ones. The principal place of business of said corporation shall be at Birmingham, Alabama.

Place of business

SEC. 8. *Be it further enacted*, That the stock of said corporation be transferable on the books of the company, and all transfers and assignments not made upon or recorded on the books of the company within fifteen days after such transfer or assignment, shall be void as to creditors and purchasers without notice.

Stock transferable

Rights-of-way

SEC. 9. *Be it further enacted*, That the said corporation, for the purpose of building railroads, tramroads, and other roads, as hereinbefore provided, may condemn real estate and rights-of-way in the manner provided by the general laws of this state for the condemnation of private property for public use.

Approved February 7, 1891.

202]

AN ACT.

[H. 84

To prohibit pools, trusts, or combines to regulate or control the prices of products, goods, wares or merchandise in this state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person, corporation or association of persons who shall, within this state, engage or agree with other persons, corporations or association of persons, or enter into, either directly, any combination, pool, trust or confederation to regulate or fix the price of any article or commodity to be sold within this state for speculation; and any person, corporation or association of persons who shall enter into, become a mem-

Pools, trusts, etc., a misdemeanor



ber of a party to, any pool, agreement, combination or confederation to fix or limit the amount or quantity of any article or commodity to be produced or manufactured, mined or sold in this state, shall be guilty of a misdemeanor, and subject to indictment and punishment as herein provided.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any corporation chartered under the laws of Alabama, or for any officer, stockholder, agent or employe of such corporation to enter into any combination with other persons or corporations, the purpose and effect of which are to place the management or control thereof in the hands of others, with the purpose or intent to limit or fix the price, or lessen the production or sale of any article of commerce, use or consumption, or to restrict or diminish the manufacture of such article. Combin-  
tions to fix  
prices and  
lawful

SEC. 3. *Be it further enacted*, That any person or corporation violating the provisions of section one or two of this act, within the State of Alabama, shall, on conviction, be fined not less than five hundred dollars, nor more than two thousand dollars, at the discretion of the jury trying the same; and any officer, agent or employe of such corporation guilty of violating either of the two preceding sections of this act may be imprisoned, in addition to the fine, not less than six months, and not more than twelve months for every such offense; *Provided*, That nothing in this act shall prevent the producers of agricultural products from holding the same for higher prices; *And provided further*, That nothing in this act shall prevent the producer of any article of food or commerce from holding the same for higher prices, provided he does not combine or confederate with others thus to raise or lower prices. Penalty

SEC. 4. *Be it further enacted*, That it shall be the duty of the circuit and city courts to give this act in special charge to the several grand juries of the state. Provisos

Approved February 7, 1891. Special  
charge to  
grand juries

To provide for the better support and maintenance of the Public Schools of Jefferson county, Alabama,

Tax for schools SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Jefferson county, Alabama be, and they are hereby directed and required to levy and have collected under the laws of this state for the year 1891, and each year thereafter, a tax of five cents on the one hundred dollars worth on the value of all taxable property in said county, as assessed for revenue for the state, for the support and maintenance of the public schools in said county, as hereinafter provided.

Duty of county tax collector SEC. 2. *Be it further enacted*, That it shall be the duty of the tax collector of said county to pay over to the county treasurer, as herein provided, all moneys collected by him, and on hand, under the provisions of this act, on the first day of January of each year, and on the first day of each month thereafter, until the same shall have all been paid.

Duty of county treasurer SEC. 3. *Be it further enacted*, That it shall be the duty of the county treasurer of said county to keep a separate account of all funds paid to him to the credit of the public schools, and it shall be unlawful for any of said public school fund to be used for, applied, or appropriated to any other use whatsoever.

Duty of county supt. of education SEC. 4. *Be it further enacted*, That it shall be the duty of the county superintendent of education to furnish by the first day of October of each year to the county commissioners, the census of the school children, taken under the laws of Alabama, showing the number of children within the school age of the several townships, and separate school districts within said county.

Duty of county commissioners SEC. 5. *Be it further enacted*, That the county commissioners shall, as soon as practicable, after the assessment of taxes, and the receipt of the census provided for in section 4 of this act, in every year, determine what amount of such school fund shall be appropriated to the several townships, and separate school districts in said county; and the amount so determined

shall be in exact proportion to the number of children in such township or separate school district, as shown by the last census taken of school children under the laws of this State, next before such action of the county commissioners; and they shall furnish the county superintendent of education, and the treasurers of incorporated towns or cities having and maintaining public schools under special school laws, the amount of such school fund, apportioned by them to the several townships, separate school districts and incorporated towns or cities. And upon such determination it shall be the duty of the county treasurer to pay the county superintendent of education the amounts allowed by the commissioners court for the several townships in said county, and to the treasurers of incorporated towns or cities within said county having a separate school district or schools managed or controlled by such town or city authorities, the money allowed by the commissioners court for such incorporated towns or cities. Such payments to be made upon the warrant of the probate judge of said county; and money thus paid shall be used exclusively for the support and maintenance of the public schools within the respective townships and separate school districts, and for no other purpose, and under the laws of the state governing the disbursement of other school funds.

Duty of  
county  
treasurer

Money ex-  
clusively for  
schools

SEC. 6. *Be it further enacted*, That the county superintendent of education shall be paid, in addition to the compensation now fixed by law, such amount as the court of county commissioners may deem to be just and fair, but in no case to exceed one per cent of all the funds disbursed by him under this act.

Compensa-  
tion of coun-  
ty supt.

SEC. 7. *Be it further enacted*, That for taking the census of school children as now provided for by the laws of Alabama. the township superintendent shall be allowed as compensation therefor, out of the fund provided for in this act, such sums as may be prescribed by the commissioners court, not to exceed ten dollars for any one enumeration.

Compensa-  
tion for tak-  
ing census

SEC. 8. *Be it further enacted*, That the tax assessor and tax collector of said county shall respectively as-

Assessing  
and collect-  
ing

sess and collect said taxes without any additional compensation.

Approved February 7, 1891.

204]

AN ACT

[H. 691

To create a Separate School District in Cherokee county, and to define the boundaries thereof.

Boundaries

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a separate school district be established in Cherokee county, State of Alabama, with the following described boundaries, to-wit: commencing on the bank of the Coosa river at Cobbler's wood-yard, running nearly east to the colored baptist church, called Mt. Ollee; thence northeast to John M. Rankins; thence north down the Hick branch to Coosa river; thence down said river, the river being the line, back to the starting point, said district being composed of the N. W. corner of township 11, range 9, S. W. corner of township 10 of range 9, S. E. corner of township 10, range 8, and N. E. corner of township 11, range 8, to be known as Woods' Bend School District, for which a superintendent shall be appointed by the county superintendent of education of Cherokee county.

Poll tax and  
school fund

SEC. 2. *Be it further enacted*, That the said separate school district shall receive all the tax collected as poll tax within the limits of the territory set forth, and the county superintendent of education shall set apart from the school fund, and disburse and use such *pro rata* share exclusively for the maintenance of the public schools of said separate school district.

Approved February 7, 1891.

205]

AN ACT

[H. 186

To amend sub-division 18, section 137 of the Code.

SECTION 1. *Be it enacted by the General Assembly of*

*Alabama*, That sub-division eighteen, of section one hundred and thirty seven of the code be amended so as to read as follows: It shall be the duty of the commissioner of agriculture to obtain samples of each and every brand of fertilizers sold or exchanged, or offered for sale or exchange in this state, for each season in which such fertilizers are offered for sale, and cause such samples to be analyzed by the state chemist; and make publication of such analysis not later than August 1st of each year; *Provided*, That the provisions of this act shall not take effect until after September 1, 1891.

Analyses of  
fertilizers

Approved February 1, 1891.

206]

AN ACT

[H. 346

To incorporate the Town of Edwardsville.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Edwardsville, in Cleburne county, shall be and constitute a body politic and corporate by the name of the Town of Edwardsville, and by that corporate name may sue and be sued, grant, receive, and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a town seal, which may be changed or altered at pleasure.

Name

SEC. 2. *Be it further enacted*, That the corporate limits of said town shall extend to and embrace all the territory within three-fourths of a mile of the court house in said town in every direction.

Corporate  
limits

SEC. 3. *Be it further enacted*, That the government of said corporation shall consist of and its corporate powers shall be exercised by a mayor and five councilmen, who shall be elected by ballot on the fourth Monday in September in each year by the male inhabitants of said town of or over the age of twenty one years, who are entitled to register and vote under the laws of this state, and who have resided therein for

Election of  
mayor and  
councilmen

Election of  
mayor and  
councilmen

thirty days next preceding such election. Said election shall be held under the direction of the mayor and marshal of said town, at some convenient place in said town of Edwardsville; the mayor and marshal shall give at least ten days notice of the time and place of holding said elections by posting written or printed notices thereof at two or more public places in said town, and shall appoint three inspectors and one returning officer to conduct said election. Said election shall be conducted in the same manner as elections are conducted under the general laws of the state. The inspectors shall certify the result of such election and the returning officer shall make the return to the mayor, who shall declare the result of the election, and in case of a tie, the marshal shall give the casting vote, and the mayor shall give to the persons elected certificates of election. The persons so elected, before entering upon the discharge of the duties of their respective offices, must take and subscribe before the mayor of said town an oath to discharge faithfully and without favor or partiality the duties of their respective offices, which oath shall be recorded by the mayor or clerk in the minute book of said corporation. Should the mayor of said town, at any election for officers of said town, be re-elected as his own successor, he may take the oath of office before the probate judge of said county of Cleburne, or any other officer in said county authorized under the law to administer oaths. The said mayor and councilmen shall continue in office for twelve months, and until their successors are elected and qualified. If from any cause said election should not be held on said fourth Monday in September in any year, the said mayor and marshal of said town shall as soon thereafter as practicable, appoint another day for holding such elections not more than thirty days after such regular day, of which like notice shall be given, and inspectors and returning officer appointed, and the election held as in the manner above directed; and if, from neglect or failure of said mayor and marshal to discharge their duty or from any other cause, no such election should be ordered or held within thirty days after the fourth Monday in September in any year, or within thirty days



after the time set for any election of officers for said town, it shall be the duty of the sheriff of Cleburne county, upon the application of any three electors residing within the corporate limits of said town and entitled to vote in such election, to order such election, appoint inspectors and returning officer, and give the notice prescribed in this section, and such election shall be held and conducted and returns made in all respects as provided in this section; *Provided*, that in case of a tie in any election ordered by the sheriff, as herein provided, the sheriff shall give the casting vote.

SEC. 4. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said town who has not resided therein one year next preceeding his election; and that no person shall hold the office of marshal who is not entitled to vote in any election for mayor and councilmen, or who has not resided in said town for three months next preceding his election.

Qualifications  
of officers

SEC. 5. *Be it further enacted*, That the ballots cast at any election held under this act shall, after being counted, be carefully sealed up with the poll list kept at such election and labeled, and shall be kept by one of the inspectors without being opened for twenty days after said election is held, and then if there be no contest instituted for any of the offices filled by such election, they shall be burned without being opened; but in the event of a contest they shall be delivered to the judge or court trying the same.

Duty of in-  
spectors

SEC. 6. *Be it further enacted*, That any election held under this act may be contested for any of the grounds for contesting elections under the general laws of this state, and by any person authorized under the general laws of this state, to contest elections. Such contests shall be tried before the judge of probate of Cleburne county, and shall be governed by the rules prescribed in article 3, chapter 4, title 6 of the code of Alabama of 1886, so far as the same are applicable; *Provided*, such contests are instituted within twenty days after such election is held.

Contests

SEC. 7. *Be it further enacted*, That if the mayor or any councilman during his term of office, and after qualifying, shall die, resign, remove from said town,

Vacancies

refuse to act, or be permanently disabled from acting, the remaining members of the board shall elect in his stead—if mayor, one of their number; if councilman, another councilman from the citizens of said town, who shall have the qualifications prescribed in the fourth section of this act, and the person so elected shall continue in office during the remainder of the term, and until their successors are elected and qualified; and if any person elected to the office of mayor or councilman under any of the provisions of this act shall fail or refuse to qualify within twenty days after their election the remaining members of the board shall elect in his stead—if mayor, one of their own body, or if councilman, some person having the qualifications prescribed in the fourth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and qualified.

Judges of qualifications  
 SEC. 8. *Be it further enacted*, That in filling the vacancy in any office as provided in the preceding section of this act, the councilmen shall be the judge of the qualifications of the mayor; and the mayor and acting councilmen shall be the judges of the qualifications of a councilman.

Quorum  
 SEC. 9. *Be it further enacted*, That a majority of the board of mayor and councilmen shall constitute a quorum for the transaction of business; they shall fix their own sessions, and special meetings of the board may be called by the mayor at his own option, or by any two of the councilmen. In case of sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor *pro tem*, and such mayor *pro tem* shall exercise all the powers, and perform all the duties of the mayor; but the mayor or any councilman shall not vacate his office by any temporary absence from the town or state.

Duties of mayor  
 SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside over all meetings of the council, keep or cause to be kept in a well bound book kept for that purpose, a minute of the proceedings, and perform all other duties required of presiding officers of deliberative bodies; and he shall have the power and authority to take jurisdiction of

every violation of the laws and ordinances of said town, and to try, convict and punish the person committing the same, by fine and imprisonment in the town prison, or by work on the streets, or other works of the town, one or both, in his discretion; and he shall have authority while sitting as a court to punish any contempt of his court, by fine not to exceed twenty-five dollars, and by imprisonment in the town prison not to exceed twenty-four hours, one or both, in his discretion. He shall also have the jurisdiction of a justice of the peace, in all matters, civil and criminal, arising within the corporate limits of said town.

SEC. 11. *Be it further enacted*, That the mayor and councilmen shall have power to elect a town marshal, and such other officers and agents as may be necessary and proper to execute the powers herein conferred on the corporation, or as may be deemed proper for the good government of the town; to prescribe their duties, liabilities and powers; to require of them bonds with securities in such amount as may be deemed expedient, for the faithful discharge of their duties; to remove or discharge at any time, any or all such officers or agents, for failure or neglect to perform any duty required of them under the by-laws and ordinances of said town, or when their services as such officers or agents shall be no longer needed, a majority of the board concurring in such removal; and to fix and regulate from time to time the compensation of such officers or agents. The officers or agents so appointed shall continue in office unless removed until the next annual election of officers for said town, and until their successors are elected and qualified. The election of marshal as herein provided shall be had at the first regular meeting of the board after each annual election for mayor and councilmen; *Provided*, the mayor and councilmen elected at such election shall have qualified; otherwise at the first regular meeting of the board after such officers have qualified, unless such election is by order of the board deferred to another time.

Mayor and  
council elect  
marshal, etc

SEC. 12. *Be it further enacted*, That the town clerk, or in case no clerk shall be elected, the mayor shall keep a regular record of all proceedings, orders,

Proceedings

## Ordinances

regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; but all ordinances shall be approved by the mayor, and in case the mayor shall fail to approve any ordinance enacted by the council, he shall return the same to the council with his objection thereto, and then if two-thirds of the board of mayor and council shall vote in favor of the ordinance, it shall become a law, and the mayor must approve the same; but before any ordinance shall go into effect, it must be published ten days by publication in some newspaper, if any be published in said town, and also by posting a written or printed copy of the same in two or more public places in said town, but if no newspaper is published in said town, then by posting copies as above prescribed. The ordinance shall also be recorded in a well-bound book kept for that purpose, and when so recorded, such record shall be received in evidence in any court of record, or elsewhere in this state, and have the same force and effect in such courts or elsewhere as the original ordinance would have, and in cases where the said record can not be obtained a copy of the same certified by the mayor of said town shall be received as evidence in all cases in which the original ordinance would be admissible and have the same effect as the original would have. The mayor shall keep all records of said corporation in his office, and they shall at all times be open for inspection.

Authority of  
marshal

SEC. 13. *Be it further enacted*, That the marshal shall have authority without warrant to arrest all offenders breaking the peace or violating any ordinance or law of said town, and bring them before the mayor; or imprison them or require bond and security of them for their appearance before the mayor, as the ordinances of said town may direct; to execute by levy and sale, if necessary all process issued by the mayor or clerk for the collection of taxes, fines, forfeitures and other dues, owing to said town; and to discharge such other duties as may be required of him by the laws and ordinances of said town. He shall also be authorized to execute all process issued by the mayor of

said town acting as justice of the peace, and his acts in regard to such process shall be valid to all intents and purposes.

SEC. 14. *Be it further enacted*, That the mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagions or infectious diseases within the corporate limits of said town, and provide places for the reception of the sick; to erect a calaboose; to establish day and night watches; to license and regulate the retailing and wholesaling of spirituous liquors within the corporate limits; to erect and repair bridges; to sink and repair public wells; to erect sewers; to open and keep in repair streets and avenues and alleys; to prohibit and disperse unlawful or disorderly assemblages; to license, restrain and regulate theatrical and other exhibitions and shows of whatsoever kind or character for pay, also lectures and concerts for pay, except lectures and concerts for charitable purposes; to license and regulate bankers, peddlers, hackney coaches, carriages, wagons, carts and drays, and other vehicles of like kind running from one part of said corporate limits to another for hire; to license and regulate pawnbrokers, auctioneers, commission merchants, grocery merchants, the keeping of hotels, eating or boarding houses, livery and sale stables, barber shops, billiard rooms, bowling saloons, ten-pin alleys, and stores and shops for the sale of any goods, provisions, drugs or other articles or commodity whatever; to fix the price of, or tax on, all license, and fix the time when they shall expire; to restrain and prohibit gambling or gaming houses, and houses of ill fame; to punish and prohibit violations of the Sabbath; to prevent stock of any kind from running at large in said town; to prohibit riots, routs, assaults, and batteries, and all other breaches of the peace, and all misdemeanors and felonies, and all disorderly conduct; to provide for the punishment by fine or imprisonment, or by work on the streets, or other works of the town, or both, for any breach of the laws or ordinances of said town; but no fine shall exceed fifty dollars, and no imprisonment or work on the streets or other works of the town shall exceed twenty days; and also to pro-

Powers of  
mayor and  
council

vide in cases where fine and costs are not presently paid or secured by the party convicted, that the party so in default shall work out the fine and costs under the direction of the town officers; *Provided*, that the time of such work shall not exceed thirty days; and to enact all such by-laws, laws and ordinances as may be necessary to execute and enforce the powers herein granted, or as may be expedient for the good government of the town, not contrary to the constitution and general laws of this state, or to the restrictions in this act expressed.

Condemning  
property

SEC. 15. *Be it further enacted*, That the corporate authorities of said town shall have the power to condemn private property for the use of the streets, avenues and alleys, and for other improvements of a public nature in said town; that whenever the corporate authorities shall deem it necessary to obtain any private property for the purpose expressed above, and the board of mayor and councilmen and the owners of such property cannot agree upon any terms or value respecting the same, the mayor of said town shall select two citizens of said town, who are entitled to vote at any election therein, and the owner of such property shall select two citizens of said town, voters therein, and these four thus selected shall select a fifth man with like qualifications, and the five men thus chosen shall constitute a board for assessing the damage to the owner of such property resulting from the appropriation of the same to the public use designed, and when the damage is so assessed and paid or tendered by the said corporate authorities to such owner, the said corporate authorities shall then have authority to appropriate such property to such public use; *Provided*, In all cases the board of assessors so selected shall before assessing the damages, take an oath to assess the damages without favor or partiality. If the owner of such property, shall after three days notice from the mayor of said town requiring him to make such selection of a board of assessors, fail or refuse to do so, then in such case the mayor may make the selection of four men which four shall select the fifth man as above provided, and the board thus selected shall make the assessment as above provided.

Board to as-  
sess dama-  
ges



SEC. 16. *Be it further enacted*, That the corporate authorities of said town shall have authority to cause Vagrants, etc all vagrants or idle persons, all persons of ill fame or evil life, common prostitutes, and such as have no visible means of support, or are likely to become a public charge as paupers, or are found begging in or about the streets, being able-bodied persons, or can show no reasonable and legitimate course of business or employment, all who have no fixed place of residence, or can not give a good account of themselves; all who are indecent in language or behavior on the streets, to give security for their good behavior for a reasonable time, not to exceed twelve months, and to indemnify the town against any charge for their support, and in case of their refusal or inability to give such security, to cause them to be confined in the town prison, or sentenced to labor on the streets or other works of said town, for a limited time, not to exceed ten days in any one month, and if such person shall be found afterwards so offending, such security may be again required, and on failure to give the same, like proceedings may be had, as often as may be necessary.

SEC. 17. *Be it further enacted*, That the mayor and councilmen shall have authority to levy and collect Taxes taxes on the real and personal property in the corporate limits; on auction sales and sales of merchandise and on all property within the corporate limits of said town, upon which the state levies and collects taxes under the general laws of the state; *Provided*, That no tax shall be levied or collected upon sales under judicial proceedings, or under executions, or by administrators, executors, guardians, or under deed of trust or mortgage for the security or payment of debts.

SEC. 18. *Be it further enacted*, That that the tax levied and collected on personal or real property, by Rate of tax virtue of the power herein granted, shall not in any one year, exceed one-half of one per cent. of the value thereof and shall be levied according to assessment and valuation of the property taxed, made by such persons and under such regulations as the mayor and councilmen may prescribe, which said assessment the mayor and councilmen are authorized to make, or they are empowered to appoint one of their number, or the

marshal or other officer to make, and they shall have power and authority to revise and correct the assessment so made as they may deem proper.

Street tax

SEC. 19. *Be it further enacted*, That the mayor and councilmen may provide for the payment of a street tax, not to exceed ten dollars in any one year, by each male person within the corporate limits of said town between the ages of eighteen and forty-five years, who are not exempt under the laws of this state from road duty, in lieu of working on the public streets, avenues and alleys of said town, said street tax to be collected at such time and under such regulations as may be prescribed by ordinance. All male persons between such ages and not exempt from road duty under the general laws of this state, shall be liable to work on the streets, avenues and alleys of said town, or pay such street tax in lieu thereof as may be prescribed by ordinance enacted by said corporate authorities; but no such person shall be required to work on the streets, avenues and alleys of said town more than ten days in any one year; and all persons residing within the corporate limits of said town, and liable to work on the streets therein shall be exempt from road duty outside of said corporate limits.

Assessing  
and levying  
taxes

SEC. 20. *Be it further enacted*, That full power and authority are hereby given to the corporate authorities of said town to establish such rules and regulations, not inconsistent with the provisions of this act, for the assessment and collection of the taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties not inconsistent with this act for violation of their ordinances in reference to taxes and revenues of said town as they may deem requisite and proper; and for any mistake, fraud or other defect in the assessment and levy of taxes, said corporate authorities may, if they deem it necessary and expedient, set aside such assessment and levy, in whole or in part, according to the circumstances, and direct a new assessment and levy, in whole or in part, as the case may require.

SEC. 21. *Be it further enacted*, That all taxes assessed or levied in pursuance of authority conferred by

*Alabama*, That sub-division eighteen, of section one hundred and thirty seven of the code be amended so as to read as follows: It shall be the duty of the commissioner of agriculture to obtain samples of each and every brand of fertilizers sold or exchanged, or offered for sale or exchange in this state, for each season in which such fertilizers are offered for sale, and cause such samples to be analyzed by the state chemist; and make publication of such analysis not later than August 1st of each year; *Provided*, That the provisions of this act shall not take effect until after September 1, 1891.

Analyses of  
fertilizers

Approved February 1, 1891.

206]

AN ACT

[H. 346

To incorporate the Town of Edwardsville.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Edwardsville, in Cleburne county, shall be and constitute a body politic and corporate by the name of the Town of Edwardsville, and by that corporate name may sue and be sued, grant, receive, and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a town seal, which may be changed or altered at pleasure.

Name

SEC. 2. *Be it further enacted*, That the corporate limits of said town shall extend to and embrace all the territory within three-fourths of a mile of the court house in said town in every direction.

Corporate  
limits

SEC. 3. *Be it further enacted*, That the government of said corporation shall consist of and its corporate powers shall be exercised by a mayor and five councilmen, who shall be elected by ballot on the fourth Monday in September in each year by the male inhabitants of said town of or over the age of twenty one years, who are entitled to register and vote under the laws of this state, and who have resided therein for

Election of  
mayor and  
councilmen

son having a beneficial interest therein, or a valid lien thereon, at any time within two years from the date of the sale, on the payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, and all taxes which may have accrued; *Provided*, infants, lunatics, and married women shall be allowed one year after the removal of their respective disabilities, in which to make such redemption, and upon such payment being made, or the amount thereof being deposited with the mayor of said town, within the period allowed for redemption, the purchaser of such real estate shall surrender to the person making the redemption, and making such payment or deposit, his agent or attorney, the certificate of purchase and the same shall be canceled, and the mayor of said town shall give to such original owner, his agent or attorney or to the person making the redemption his agent or attorney, a certificate, certifying the fact of such redemption, and thereafter the title created by such sale and certificate shall cease, and the purchaser or any person claiming under him shall relinquish possession, and on failure to do so shall be liable for unlawful detainer.

Duties of  
mayor; tax  
deeds, etc

SEC. 22. *Be it further enacted*, That the mayor of said town shall record in a well bound book kept for that purpose and called "Records of Sales" all sales of land made for the payment of taxes due said town; and upon the expiration of the time allowed for redemption of such land sold for taxes, if not redeemed, shall upon the presentation of the certificate of purchase and the payment of a fee of one dollar, execute substantially in the form required under the general laws of this state, for tax deeds, a deed to the purchaser or his assignee for the same, and such deed shall have the same force and effect as tax deeds have under the general laws of the state; and when any land so sold for taxes shall be redeemed as in this act; *Provided*, The mayor shall make an entry showing such fact in said book, and shall cancel the certificate of purchase given the purchaser for the same; he shall also record in said book all sales of lands made under execution from any court by these corporate authorities, and also the condemnation of all lands condemned as in this act

provided for the public use of said town, and the proceedings of condemnation.

SEC. 23. *Be it further enacted*, That any councilman of said town may be impeached and removed from office for any of the causes in section 1, article 7, of the constitution of Alabama, before the mayor and remaining councilmen setting as a court, upon the complaint of any two or more citizens of said town, entitled under this act to vote at any election of officers in said town. Such complaint shall state clearly the grounds of impeachment, and shall be sworn to by at least one of the complainants and filed with the mayor. Upon the filing of such complaint, the mayor shall issue a notice or summons to the councilman against whom complaint is made to appear before the mayor and councilmen at a time specified in such notice or summons to answer said complaint. Such notice or summons shall be accompanied by a copy of the complaint, and shall be served by the marshal, by giving the defendant a copy, at least five days before the time set for hearing the same. He shall also notify the other councilmen to appear at said time for the purpose of hearing the complaint, which notice shall also be served by the marshal, at least two days before the time set for hearing the complaint. He shall also issue subpoenas for witnesses for either party which shall be served by the marshal; and the mayor and remaining councilmen shall at such time, proceed to hear and determine the truth of said complaint, unless for good and sufficient cause the same is continued to another time, and if upon such investigation they are satisfied of the truth of the complaint, they shall remove such councilman from office, a majority of the court concurring, and proceed to fill the vacancy thus caused as hereinbefore directed.

Councilmen  
may be im-  
peached

SEC. 24. *Be it further enacted*, That from and after the passage of this act the incorporation of said town under the general laws of this state, shall be and the same is hereby annulled and held for naught; *Provided*, that the present intendant and councilmen of said town shall continue in office as mayor and councilmen until the first annual election is held under this charter, to-wit: the fourth Monday in September,

Effect of this  
act

1891, and until their successors are elected and qualified, and they are authorized and empowered to do any and all acts necessary to carry into full force and effect all the provisions of this act.

SEC. 25. *Be it further enacted*, That all ordinances by-laws and regulations of said town now in force, so far as the same are not inconsistent or contrary to the provisions of this act, shall have the same force and effect as if enacted and promulgated under this charter.

Approved February 7, 1891.

207]

AN ACT

[H. 534

For the relief of Susie Rudder, a teacher of the public school in township 2, range 8, in Jackson county.

Relief

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county superintendent of education of Jackson county be and he is hereby authorized and required to pay to Susie Rudder (otherwise called Elender S. Rudder) the sum of seventy dollars, being the amount due her as a teacher of the public school in township 2, range 8, as shown by the pay roll of said county, for the quarter ending December 31, 1889.

County sup't  
to pay

\* SEC. 2. *Be it further enacted*, That the said county superintendent shall pay said sum from the balance turned over to him by his predecessor in office and shall take duplicate receipts therefor, one of which he shall forward to the superintendent of education, and such receipt shall be held and treated as the receipt of said pay roll for said sum, and proper credit therefor shall be given said county superintendent.

Approved February 7, 1891.



To authorize an election in Bibb county to ascertain whether a bridge across the Cahaba river in said county shall continue a toll bridge or be made a free bridge.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That as soon after the passage of this act as practicable the probate judge of Bibb county shall order an election, in said county at the usual voting places, which said order shall be published in said county, and shall notify the public that an election will be held at the voting places in said county, not less than twenty nor more than thirty days from such publication, specifying the day of election to decide whether the bridge across the Cahaba river near Centreville shall continue a toll bridge or be made a free bridge. Election

SEC. 2. *Be it further enacted*, That only the qualified voters of the county under the general law shall be allowed to vote at such election. Those favoring free bridge shall have on their ballots "*Free Bridge*," and those opposing shall have on their ballots, "*Toll Bridge*." Words on ballots

SEC. 3. *Be it further enacted*, That the probate judge shall appoint two managers of such election, in each precinct in the county, one of whom favors, and the other opposes such law. At the close of the election, the ballots shall be counted by the managers and the result certified to the probate judge within two days after such election. If the majority of the votes cast as certified by the managers are in favor of free bridge, the judge of probate shall declare the fact by notice posted at the court house door, and the said judge shall have the power and it is hereby made his duty to relieve the toll bridge keeper from further duty as bridge-keeper, but if a majority of the votes cast as certified by the managers are in favor of a toll bridge the result shall be announced by the probate judge and said bridge shall continue a toll bridge. Duty of judge of probate

SEC. 4. *Be it further enacted*, That all laws and

Laws in conflict repealed parts of laws in conflict with this act be and same are hereby repealed.

Approved February 7, 1891.

209]

AN ACT

[H. 562

To establish in this State a School for the Education of Deaf, Mute and Blind Children of the Negro Race.

Name

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be established in this state an institution for the education of the deaf, mute and blind children of the negro race, the corporate name of which shall be The Alabama School for Negro Deaf Mutes and Blind.

Location and control

SEC. 2. *Be it further enacted*, That said school shall be located in the city of Talladega, or its immediate vicinity, and shall be under the control and management of the Board of Trustees of the Alabama Institute for the Deaf.

Chief officer

SEC. 3. *Be it further enacted*, That the chief executive officer of said school shall be the principal of the Alabama Institute for the Deaf, who shall nominate to the board of trustees such assistants in the literary, musical and domestic departments as in his judgment may be necessary for the proper conduct and working of said school; said nominations to be confirmed or rejected by said board of trustees.

Admitted as pupils

SEC. 4. *Be it further enacted*, That all negro deaf, mute and blind children, residents of this state, between the ages of ten and twenty years, if they are deemed by the board of directors suitable persons to be admitted as pupils, shall be entitled to board, tuition, school room expenses and medical attendance free of charge for the term of six years.

Application

SEC. 5. *Be it further enacted*, That application for admission into said school shall be made in writing to the principal, stating name, age and place of residence of such applicant, and if the applicant is deemed a suitable person to be admitted as a pupil, a certificate of admission shall be granted, which shall entitle the

said applicant to all the benefits of the school for the term specified in section four of this act.

SEC. 6. *Be it further enacted*, That after the site of such building has been donated and accepted by the trustees, the sum of twelve thousand dollars (\$12,000) or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of erecting the buildings provided for in this act, of which sum not more than six thousand dollars (\$6,000) shall be paid out within the present fiscal year, to be paid as on other funds to deaf and dumb and blind of this state; and the further sum of six thousand dollars, or so much thereof as is necessary, shall be annually appropriated to the maintenance of said institution after the same shall be open for the reception of pupils, until the number of pupils shall exceed thirty (30), after which time the school shall be maintained on the per capita plan, as for the Academy for the Blind.

\*  
Appropriation for the building

Annual appropriation

SEC. 7. *Be it further enacted*, That all the provisions of the laws now in force or hereafter enacted regulating the admission of pupils, and the management and control of the Alabama Institute for the Deaf, shall be and the same are hereby made applicable to the institute herein provided for, except so far as they may be inconsistent with the provisions of this act.

Laws applicable to institute

Approved February 7, 1891.

210]

AN ACT

[H. 685

To refund license money to J. C. Baugham of Tallapoosa county.

*Whereas*, On to-wit, the 15th day of February, 1890, J. C. Baugham obtained a license to transact business as a retail dealer in spirituous liquors at McKissack's Mills, beat 5, in the county of Tallapoosa, for which he paid the State of Alabama one hundred and twenty-five dollars, for the year 1890; and

*Whereas*, It was ascertained that said McKissack's Mills were in a prohibition district, and the said Baugham was deprived of transacting the said business,

after about twenty-five days, and thereby deprived of the use of said license for about eleven mouths of said year, 1890, Therefore

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of one hundred and fourteen dollars of the said license money be refunded to the said J. C. Baugham, and the auditor is hereby authorized and directed, to draw his warrant on the treasurer in favor of J. C. Baugham for the said amount of one hundred and fourteen dollars, to be paid out of any funds in the treasury not otherwise appropriated.

Approved February 9, 1891.

211 ]

AN ACT

[H. 599]

To repeal an act entitled an act "To prohibit stock from running at large in a portion of Dallas county," approved February 13, 1883, so far as the same applies to Dublin beat.

Dublin beat  
stock law  
repealed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to prohibit stock from running at large in a portion of Dallas county, approved February 13, 1883, be and the same is hereby repealed so far as it applies to Dublin beat in said county.

Approved February 7, 1891.

212]

AN ACT

[H. 597]

For the relief of A. B. Byrd, sheriff of Dale county, Alabama, for the removal of prisoners from Georgia and Florida in the year 1890.

Relief

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an appropriation of fifty-eight dollars and forty cents be and the same is hereby made for the relief of A. B. Byrd, sheriff of Dale county, for the removal of prisoners from the States of Georgia and Florida during the year 1890.

SEC. 2. *Be it further enacted*, That the amount of money named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated and that the state auditor be and he is hereby authorized and required to draw his warrant on the treasurer for the amount named in section 1 of this act.

Appropriation

Approved February 7, 1891.

213]

AN ACT

[H. 839

To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance regulating the business of selling, or offering for sale, in said town, any second-hand or pawn brokers goods, wares, or merchandise, and to fix a license therefor, and a penalty for violation of same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and board of aldermen of the town of Eutaw be, and they are hereby authorized to pass an ordinance, regulating the business of selling or offering for sale, in said town, any second-hand or pawn brokers goods, wares, or merchandise, and to require all persons selling or offering any second-hand or pawn brokers goods, wares or merchandise, in said town, to take out a license, which license shall not exceed ten dollars, for each day said person shall carry on said business; and to fix a penalty for the violation of said ordinance, not to exceed thirty dollars for each violation of said ordinance.

Power to mayor and aldermen of Eutaw

Approved February 10, 1891.

214]

AN ACT

[H. 448

To authorize the mayor and aldermen of the town of Attalla, in Etowah county, to issue bonds of said town for the purpose of providing said town with gas or electric lights, and water, building and constructing sewers, building school houses, and to create

a board of commissioners to manage, control and invest the proceeds of said bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and aldermen of Attalla be, and they are hereby authorized to issue bonds of said town of Attalla to an amount not exceeding fifty thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named in denomination of not less than one thousand dollars each and payable twenty to thirty years from date of issuance thereof with interest coupons attached at the rate of five to six per cent. per annum and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness in the city of New York at some bank designated by the board.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under this act shall be signed by the mayor and countersigned by the treasurer of said town, and the seal of the town shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of which record must describe said bonds fully and must also show the purchasers thereof and the date of such purchase, and amount for which they were negotiated.

SEC. 3. *Be it further enacted*, That said mayor and aldermen are hereby authorized to do any and all things that may be necessary to carry out the powers herein granted to them, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in anywise affect the validity of said bonds or coupons; and said bonds and coupons shall have all the properties and protection of commercial papers and shall be receivable for all dues to the city.

SEC. 4. *Be it further enacted*, That said mayor and aldermen are hereby authorized to negotiate and sell the bonds issued under this act, but said bonds shall not be sold for less than one hundred cents on the dollar, and the proceeds of said bonds shall be paid over to and receipted for by the board of commissioners hereinafter named, to be used and applied exclusively for

Authority to  
issue bonds

Duties of  
mayor and  
treasurer

Validity of  
bonds

Negotiation  
of bonds

Use of pro-  
ceeds



the purposes herein mentioned; the amount to be used for any of the objects named in this bill to be in the discretion of the board of commissioners.

SEC. 5. *Be it further enacted*, That the use, application and investment of the proceeds of said bonds, for the purposes herein specified shall be under the direction of the board of commissioners hereinafter named, and all contracts made by them in regard to the reinvestment of any of said funds shall be reduced to writing, and the same certified by them to the board of mayor and aldermen of said town.

Contracts to be in writing

SEC. 6. *Be it further enacted*, That for the faithful expenditure of the proceeds of said bonds a board of commissioners known as the board of commissioners of the town of Attalla, is hereby created to consist of five qualified electors of said town who for twelve months next preceding their appointment have been householders and freeholders therein, to be appointed by the governor of the state, and said commissioners shall hold office as follows, viz: three of them for two years from the approval of this act and two of them for four years from said date, and their said respective terms of office further to continue until their successors are appointed and duly qualified. All vacancies in the board of commissioners shall be filled by the governor, and all appointments made by him of commissioners under this act shall be at once certified to the mayor and aldermen of said town.

Board of five commissioners

To be appointed by the governor

SEC. 7. *Be it further enacted*, That before said commissioners enter upon the discharge of their duties they shall each within fifteen days after notice of their appointment take and subscribe an oath faithfully and to the best of their ability to discharge their duties under this act and each of them shall also execute a bond with sufficient surety payable to the town of Attalla in the sum of ten thousand dollars each with condition faithfully to perform the duties enjoined upon him as a member of said board of commissioners, which bond shall be approved by the judge of probate of the county of Etowah, and immediately after the taking of said oath and the approval of said bond said oath and bond shall be filed with the board of mayor and aldermen of said town and at once recorded in a book to be

Oath and bond of commissioners

kept for that purpose by the treasurer of the town, and said original oath and bond shall be kept by said treasurer.

Rules for  
making pay-  
ments

SEC. 8. *Be it further enacted*, That no part of the proceeds of the sale of said bonds shall be paid, or invested, or used for any of the purposes named in this act except upon a warrant drawn by the mayor of said town upon said board of commissioners, and no such warrant shall be drawn by said mayor except upon the order of said board, which order shall be in writing, and signed by each member thereof, and shall specify on what account and in whose favor said warrant is to be drawn, and said mayor shall turn over to the treasurer of said town for safe keeping, all such orders directed to him by said board of commissioners, and said board of commissioners shall preserve the warrants of said mayor and submit the same to the mayor and aldermen of said town in their regular January and July reports provided for in section 9 of this act.

Reports of  
board and  
town treasurer

SEC 9. *Be it further enacted*, That said board of commissioners shall report in writing and under oath to the mayor and aldermen of said town on the first days of January and July of each year a true and correct account of expenditures by them of the proceeds of said bonds, and on what account, and when and to whom made since their last report, and the warrants drawn by the mayor shall accompany said report and be made part of the same, and said report shall be recorded upon the minutes of said town and thereafter kept by the treasurer of said town; and the mayor shall cause said report to be published in a newspaper in said town of Attalla, and at the time the said reports herein provided for, are made by said board of commissioners, the treasurer of said town shall also report in writing to the mayor and aldermen of the town a statement of the orders drawn by said board of commissioners upon the mayor and shall attach said orders to said report, and make them a part of the same.

Reports to be  
recorded and  
published

SEC 10. *Be it further enacted*, That the board of commissioners of said town in executing the powers herein conferred shall have the right to sue and be sued by the name and style of the Board of Commissioners of the City of Attalla.

Approved February 7, 1891.

215]

## AN ACT

[H. 813

To provide for the levy, assessment and collection of Taxes in the counties of Chambers and Pickens, for the years 1891 and 1892.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the counties of Chambers and Pickens are hereby created into separate taxing districts, in which state taxes and the taxes imposed by this act, to provide the means of local government therein, shall be assessed and collected as herein provided. Separate taxing districts

SEC. 2. *Be it further enacted*, That John V. Trammell shall be the commissioner to assess the taxes for said taxing district of Chambers county, and Lloyd Robertson shall be the commissioner for said district of Chambers county to collect the taxes; and the governor shall appoint a commissioner to assess the taxes for the taxing district of Pickens county, and a commissioner for said district to collect the taxes. Commissioners to assess and collect  
Governor to appoint for Pickens

SEC. 3. *Be it further enacted*, That each of said commissioners, before entering on the discharge of his duties, shall take and subscribe to the official oath prescribed by the constitution, and shall enter into bond with good and sufficient sureties, payable to the State of Alabama, in such penalty as the governor may prescribe, with condition for the faithful performance of his duties, which said bonds shall be approved by the governor, recorded in the office of the secretary of state, and filed in the office of the auditor, and shall be obligatory on the principal and sureties therein for the breach of the condition thereof during the time the principal continues in office or discharges any of the duties thereof, and the governor may from time to time, whenever he deems it expedient, require such commissioners to make and execute additional bond or bonds. Upon any of said bonds, the state or any person who may be injured by the failure of such commissioner to perform the duties required of him by law, or by improper or neglectful performance of such duty, may maintain suits in law or in equity, and a single recovery shall not discharge said bond or bonds, but Oath of office  
Official bond  
Governor may require additional bond

from time to time proceedings may be instituted thereon until the penalty shall be satisfied.

Duties of commissioner of assessment

SEC. 4. *Be it further enacted*, That it shall be the duty of the commissioner of assessment of taxes for said district to assess the State taxes for the years 1891 and 1892, in the same manner and under the same regulations in and under which the county assessor of taxes is required by law to assess state taxes, and all laws applying to assessors shall be applied to said commissioner, and said commissioner shall have all the power and authority, general or special, which is conferred upon the assessors of taxes. When such assessment is completed it shall be the duty of said commissioner to file the same in the office of the judge of probate of the county, and after giving thirty days notice, the judge of probate and any two of the county commissioners shall, in the presence of the commissioner of assessment, examine said assessment and correct any errors that may be found therein, and upon the complaint of any taxpayer, shall inquire into and correct any injustice which may be done him in such assessment. When such assessment shall have been so examined and corrected, the said commissioner shall note such corrections therein, and the same shall be certified to by him and by said judge of probate. Thereafter the commissioner of said district for the collection of taxes shall proceed to collect the said taxes so assessed in the mode and manner and under the same regulations and restrictions in and under which the tax collectors are required to collect state taxes.

Correction of errors in assessment

Certified by judge of probate

County tax

SEC. 5. *Be it further enacted*, That the said commissioner to collect the taxes for said districts, shall levy and collect a tax of three-tenths of one per centum on the value of all taxable property assessed for taxes to the state to pay the current expenses of the county for the year, and he shall give to each taxpayer a separate receipt for such county tax when the same is paid, and he shall make to the judge of probate of the county on the first day of each and every month or within three days thereafter, a report in writing showing the amount of such county taxes collected by him within and during the preceding month, stating therein the name of each tax payer and

Monthly report to judge of probate

the amount received from him, and the aggregate amount shall be passed into the county treasury upon the certificate of the probate judge, and the said commissioner shall on the first day of each month or within three days thereafter, make a report to the auditor of the amount of state taxes collected by him, within and during the preceding month, stating therein the name of each tax-payer and the amount of tax paid on real or personal property, and the aggregate amount of the tax so collected shall be passed into the state treasury upon the certificate of the auditor.

Monthly report to auditor of state taxes collected

SEC. 6. *Be it further enacted,* That said commissioner shall on the first day of each month, or within three days thereafter, make a report in writing to the state auditor, showing in such report the state taxes which have been collected by him within and during the preceding month, the persons from whom collected, and stating separately the amount of taxes received on real and personal property, showing also the amount of county taxes collected and received by him, and the persons from whom collected and received, and shall pay into the state treasury the state taxes so collected, which shall be passed into the treasury upon the certificate of the auditor, stating the amount thereof, and it shall be the duty of the auditor to certify to the judge of probate of the county a statement of the amount of county taxes so collected and received by said commissioner and upon the certificate of such judge the same shall be paid into the county treasury. The said commissioner must attend at some convenient place in each election precinct of the county, after having given thirty days notice of the time and place for the purpose of receiving taxes. The said notice may be given by advertisement in some newspaper published in the county for three successive weeks, or by posting bills at three or more public places in each precinct; and until after such notice has been given and the said commissioner has attended at the time and place appointed, no tax-payer shall be regarded as delinquent.

Duty of auditor

Commissioner must attend each precinct

SEC. 7. *Be it further enacted,* That after said commissioner shall have attended each election precinct as provided for in the preceding section, all tax-payers

Delinquents

Tax sales remaining in default in the payment of the taxes which the said commissioner is hereby authorized to receive and collect, shall be regarded as delinquent, and the said commissioner shall have full power and authority to proceed in the collection of said taxes as tax collectors are authorized to proceed under the laws of this state, and may levy upon and sell personal or real property for the payment of such taxes and the costs and expenses of such sales, in the same mode in which tax collectors are authorized to proceed to levy and sell.

Purposes for which taxes cannot be levied SEC. 8. *Be it further enacted*, That the power of the court of county commissioners to levy taxes for the current expenses of either of said counties for the years 1891 and 1892, is hereby taken away and divested, and no power to levy such taxes shall be exercised otherwise than is herein provided, and the taxes levied in accordance with the provisions of this act for the current expenses of the said counties, shall not be appropriated to any other purpose than to the payment of such expenses, except the said assessment may be used to defray current expenses, pay debts before contracted for ordinary county expenses, and compromise of outstanding bonded indebtedness, if said bonded indebtedness can be compromised. That there shall be no assessments of taxes for state purposes in either of said counties for the years 1891 and 1892, by any other person than said commissioner in accordance with the provisions of this act.

Term of office SEC. 9. *Be it further enacted*, That the term of office of the said commissioners in this act mentioned shall expire when the tax assessors and the collectors who may be elected at the general election for said counties in 1892, qualify as such officers respectively and not before, and nothing in this act shall be so construed as to prevent the election of a tax assessor and tax collector for said counties at the general election held in said counties in 1892.

Vacancy SEC. 10. *Be it further enacted*, That upon the death or resignation of either of the commissioners mentioned in this act, the governor shall have power to appoint his successor.

Compensation SEC. 11. *Be it further enacted*, That the compensation of the commissioners for service under this act



shall be the same as that of tax collector and tax assessor, and shall be paid out of the same funds as assessors and collectors are paid out of.

SEC. 12. *Be it further enacted*, That nothing in this act shall be so construed as to affect, repeal, or impair any of the provisions of "an act to provide for the settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, to the State of Alabama," approved 11 February, 1889.

Approved February 9, 1891.

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AN ACT

[s. 234

To provide for the election of County Superintendent of Education of Autauga county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a county superintendent of education in and for Autauga county shall be elected at the general election on the first Monday in August, 1892, and at the general election every two years thereafter, in the same manner as other county officers are elected, and his term of office shall commence on the first day of October, 1892, and he shall hold said office and perform all the duties thereof under the laws governing public schools. And the state superintendent of education shall fill said office by appointment when a vacancy occurs until said first day of October, 1892, and shall thereafter fill said office by appointment when a vacancy occurs.

Election of  
county supt  
of education

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 7, 1891.

To amend and extend the charter of the Commercial Bank of Selma, and to amend an act entitled an act to incorporate the Selma Savings Company, approved December 10, 1864, and an act entitled an act to amend the act entitled an act to incorporate the Selma Savings Company, approved February 23, 1866, and an act entitled an act to change the name of the Selma Savings Company to the Selma Savings Bank, approved January 28, 1870, and an act entitled an act to change the name of the Selma Savings Bank to the Commercial Bank of Selma, approved February 10, 1879.

*Be it enacted by the General Assembly of Alabama,* That the act entitled an act to incorporate the Selma Savings Company, approved December 10, 1864, and an act entitled an act to amend the act entitled an act to incorporate the Selma Savings Company, approved February 23, 1866, and an act entitled an act to change the name of the Selma Savings Company to the Selma Savings Bank, approved January 28th 1870; and an act entitled an act to change the name of the Selma Savings Bank to the Commercial Bank of Selma, approved February 10, 1879, which three last named acts are amendments to the said first named act, be amended so as to read as follows :

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Richard M. Nelson, Jonathan Haralson, N. H. R. Dawson, Pleasant G. Wood and William R. Nelson and their successors and associates, be, and they are hereby created a body corporate by the name of the Commercial Bank of Selma, and by that name to have and use a common seal, sue and be sued, implead and be impleaded, in any of the courts of Alabama.

SEC. 2. *Be it further enacted,* That the objects and purposes of said corporation shall be to receive on deposit for safe keeping the earnings and savings of working people and others; to give to its depositors receipts and vouchers for same, and to pay interest on said deposits not above the legal rate of interest to be agreed upon or provided for in the by-laws of said cor-

poration in the absense of a special agreement, and to pay the principal to said depositors on their call, order or check on the surrender of their receipts or vouchers; to discount bills, notes or other evidences of debt; to receive and pay out deposits; to receive on special deposit money or bullion, or foreign coins, or stock or bonds or other securities; to buy or sell foreign or domestic exchange, gold and silver bullion, or foreign coins, bonds, stocks, bills of exchange or other negotiable papers; to lend money on personal security or upon pledges of bonds, stocks or negotiable securities; to take and receive security by mortgage or otherwise on property, real or personal, and to use their funds in any manner in which a private individual may lawfully use his funds or money; to acquire and hold real estate sufficient for its use and purposes, and such other real estate as may be acquired in the course of its business by way of security, and in the legal collection of its dues.

SEC. 3. *Be it further enacted*, That the business of said corporation shall be managed by five or more directors, to be chosen annually by its stockholders, one of whom shall be elected and act as president of the corporation; and said directors may appoint a cashier and teller and such other clerks and assistants as they may deem proper, with compensation to be fixed by them; that said directors shall have power to frame and adopt by-laws and regulations for the government of said corporation and the management of its business; for the transfer of its stock; for the loan and investment of its surplus funds, and for such other business as may be proper and not conflict with the constitution and laws of this state and the United States.

Board of directors and their powers

SEC. 4. *Be it further enacted*. That the capital stock of said corporation shall be three hundred thousand dollars and may be increased to the sum of five hundred thousand dollars, and may be reduced to a sum not less than fifty thousand dollars, at a meeting of the stockholders called for the special purpose of making such increase or reduction, of which, notice for thirty days must be given each stockholder, personally if his residence is known, and by publication for three consecutive weeks in some newspaper published at the loca-

Capital stock

tion or principal place of business of said corporation : such increase or reduction must not be made except upon the vote of the stockholders holding the larger amount in value, of the capital stock, and no stockholder shall be individually liable otherwise than for the capital stock owned by him or her, for the debts and contracts of said corporation.

Place of business      SEC. 5. *Be it further enacted*, That said corporation shall be located and have its principal office or place of business in the city of Selma, and branches or agencies at such other points in this state as its directors may appoint.

Charter extended      SEC. 6. *Be it further enacted*, That the corporate existence of said company is extended under the laws of the State of Alabama, and that the charter of said corporation with all of its corporate rights, powers and franchise extended, and continued in force under the laws of this state for the full term of twenty years from and after the expiration of its corporate existence, as provided for in the first section of said act of December 10th, 1864, to-wit : From the tenth day of December A. D. 1894 to the tenth day December A. D. 1914.

Laws in conflict repealed      SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 7, 1891.

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AN ACT

[H. 298

To amend sections 1, 3 and 9 of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11th, 1889.

Railroad charter amended      SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one (1) of an act entitled an act to incorporate the Montgomery and Sylacauga Railroad Company, approved February 11th, 1889, be so amended as to read as follows : Section 1. *Be it enacted by the General Assembly of Alabama*, That George A. Hill, J. H. Parker, J. M. Parker, H. L. Williams, H. C. Tompkins, J. M. Carr, J. F. Dennis, E. A.

Graham and H. G. McCall and their associates and successors, are hereby declared and constituted a body corporate by the name and style of the Alabama Grand Trunk Railroad Company, for the purpose of constructing, using and operating a railroad from the city of Montgomery, Alabama, to some point on the Coosa river, in the counties of St. Clair, Etowah, or Cherokee, in the State of Alabama.

SEC. 2. *Be it further enacted*, That section three (3) of said act, approved February 11th, 1889, be so amended as to read as follows: Sec. 3. *Be it further enacted*, that the capital stock of said company shall be one hundred thousand dollars to be divided into shares of one hundred dollars each, and may be increased to one million dollars at the pleasure of a majority of the stockholders of said company, and by complying with the laws of Alabama in such cases made and provided; and the directors of the Montgomery and Sylacauga Railroad Company may re-organize under the name and style of the Alabama Grand Trunk Railroad Company, and shall issue to the holders of the capital stock of the Montgomery and Sylacauga Railroad Company a like number of shares of the capital stock of its successor, the Alabama Grand Trunk Railroad Company as such person or persons shall have held of the capital stock of the Montgomery and Sylacauga Railroad Company, and the present board of directors and other officers of the said Montgomery and Sylacauga Railroad Company shall continue to discharge the duties of their respective offices for the term for which they were elected by the proper authorities of the said Montgomery and Sylacauga Railroad Company, and all orders, resolutions, by-laws, and other rules of order adopted by the said Montgomery and Sylacauga Railroad Company and now in force shall remain in full force and effect until repealed, altered or amended by the stockholders or board of directors of the Alabama Grand Trunk Railroad Company; *Provided*, That no debt, contract or obligation of the said Montgomery and Sylacauga Railroad Company now existing shall be impaired or affected by this act, and all grants, franchises, rights, powers and privileges of the said Montgomery and Sylacauga Railroad Company, granted to

said company by the congress of the United States of America, the General Assembly of Alabama or acquired otherwise, shall remain in full force and effect and become the property of its successor, the Alabama Grand Trunk Railroad Company.

Certificates  
of stock

SEC. 3. *Be it further enacted*, That section nine (9) of said act, approved February 11, 1889, be so amended as to read as follows: Section 9. *Be it further enacted*, That said Alabama Grand Trunk Railroad Company shall not exercise any of the corporate powers herein granted until certificates of the capital stock of said company shall have been issued in lieu of those now held by the owners of the capital stock of the Montgomery and Sylacauga Railroad Company as provided for in section 2 of this act and shall be accepted by said owners, and notice shall have been given by publication in some newspaper published in the city of Montgomery, Alabama, of the issuance of the capital stock of the Alabama Grand Trunk Railroad Company as provided for in section 2 of this act, and the cancellation of the capital stock of the said Montgomery and Sylacauga Railroad Company.

Approved February 7, 1891.

219]

AN ACT

[s. 11

To repeal an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 22, 1887.

Act repealed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to make an annual appropriation for the benefit of the State Agricultural Society," approved February 22, 1887, be and the same is hereby repealed.

Approved February 7, 1891.



220]

AN ACT

[s. 340]

To provide for the times of holding the Circuit Courts in the Sixth Judicial Circuit of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit courts in the several counties comprising the Sixth Judicial Circuit of this state shall be held at the respective court houses thereof in each year as follows: Sixth circuit

In the county of Lamar, on the fourth Mondays in February and August, and at each term may continue two weeks. Lamar

In county of Fayette, on the second Mondays after the fourth Mondays in February and August, and at each term may continue two weeks. Fayette

In the county of Greene, on the fourth Mondays after the fourth Mondays in February and August, and may continue three weeks at each term, unless the business of the term is sooner disposed of. Greene

In the county of Sumter, on the seventh Mondays after the fourth Mondays in February and August, and at each term may continue three weeks, unless the business of the term is sooner disposed of. Sumter

In the county of Pickens, on the tenth Mondays after the fourth Mondays in February and August, and at each term may continue two weeks. Pickens

In the county of Tuskaloosa, on the twelfth Mondays after the fourth Mondays in February and August, and may continue six weeks unless the business of the term is sooner disposed of; *Provided*, That the judge presiding shall have the power to fix the time of taking up the criminal docket; *Provided further*, that this act shall not go into effect until after the spring term, 1891, of the several counties of the Sixth Judicial Circuit are held. Tuskaloosa

When act  
goes into  
effect

Approved February 7, 1891.

221]

AN ACT

[s. 12

To repeal an act entitled "an act to make an annual appropriation for the benefit of the State Agricultural Society," approved February 25, 1889.

Act repealed of SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to amend an act to make an annual appropriation for the benefit of the State Agricultural Society," approved February 25, 1889, be and is hereby repealed.

Approved February 7, 1891.

222]

AN ACT

[s. 53

In relation to the admission of insane criminals into the Alabama Insane Hospital.

Must be ap- *Be it enacted by the General Assembly of Alabama*,  
plication  
and reply That no insane criminal, or person guilty of crime, and  
before ad- Alabama Insane Hospital until the sheriff or other  
mission person having the legal custody of such patient shall  
have first forwarded to the superintendent of the hos-  
pital a written application, accompanied by a certified  
copy of the order of the court, or judgment, under the  
authority of which the committal is made, and shall  
have received due notification in reply that there is  
room in the hospital building for his admission.

Approved February 11, 1891.

223]

AN ACT

[s. 55

To repeal section 4193 of the Code so far as the same relates to the county of Bullock and County Court, and provides for the transfer of the unfinished business in said Court to the Circuit Court of said County.

SECTION 1. *Be it enacted by the General Assembly*

*of Alabama*, That the county court of Bullock county provided for in section 4193 of the code be and the same is hereby abolished. Bullock county court abolished

SEC. 2. *Be it further enacted*, That the probate judge of said county be and he is hereby directed to make a true transcript of all the unfinished business in said court, and deliver the same under seal to the clerk of the circuit court in said county. Duty of judge of probate

SEC. 3. *Be it further enacted*, That the clerk be and he is hereby directed to place the same on his docket for trial in said circuit court as other cases for trial are docketed, and section 4193 of the code, so far as it relates to the establishment of the county court of Bullock county, be and the same is hereby repealed. Duty of circuit court clerk

Approved February 7, 1891.

224]

AN ACT

[s. 296

To amend section two of an act entitled an act to authorize the Macon and Birmingham Railroad Company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the State of Alabama, and do all other things needful for that purpose, approved February 27, 1889.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act approved February 27, 1889, entitled an act to authorize the Macon and Birmingham Railroad Company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the State of Alabama, "and to do all other things needful for that purpose," be and the same is hereby amended so as to read as follows :  
 Sec. 2. *Be it further enacted*, That the said Macon and Birmingham Railroad Company is hereby authorized to condemn in the manner provided by the laws of the State, a strip, tract or parcel of land one hundred feet wide, or a strip of less width when it deems it proper for the right of way over and along its entire route, and over and along and through the streets of any incorporated towns and cities; *Provided*, the con- Railroad charter amended  
Right-of-way

sent of the authorities of said towns and cities be first obtained, and for making the necessary turn-outs, embankments and works, and shall possess and may execute all the powers conferred by law upon railroad companies organized under the general laws of this state; *Provided further*, That said road shall be built within one-half mile of the public square of the City of Talladega in Talladega county, Alabama, *And provided further*, That said Macon and Birmingham Railroad Company shall construct its main line at or within one mile of the centre of the business part of the town of Roanoke, Randolph county, Alabama; *Provided*, the mayor and councilmen and the citizens of said town shall donate to said railroad company the right of way through the town and give sufficient lands for depot and railroad purposes.

Approved February 7, 1891.

225]

AN ACT

[s. 303]

To incorporate "The Black Warrior Railroad Company," and to further the construction of a railroad.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Jerome Bradley and J. C. Beekman Fish, of the State and City of New York, and Wm. G. Cochrane, M. J. Wheeler, Wm. C. Fitts, of the county of Tuscaloosa, in the State of Alabama, J. C. Clarke, D. McLaren, E. L. Russell, of Mobile, Alabama, L. D. Godfrey, and N. W. Trimble, of the county of Sumter, State of Alabama, and their associates be and they are hereby created and constituted a body politic and corporate by the name of The Black Warrior Railroad Company, and by that name, or by such other name as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, to make a common seal and the same to break, alter, or renew at pleasure; to have and to hold real, personal and mixed property as said company, as well as such other property as said company may otherwise acquire by gifts, devise, donation or purchase for investment or

Corporators

Name, rights  
etc

development, and to have, hold, enjoy and secure their franchises within any other state that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation not contrary to the laws of this state, and generally to have, hold, enjoy and exercise all rights, powers and privileges pertaining to corporate bodies and necessary or convenient for the full carrying out of the objects and purposes of this act.

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad Route with one or more line of tracks of rails from some point on the Mississippi State line north of Meridian, Mississippi, and south of Columbus, Mississippi, in a northwardly direction through the counties of Sumter, Pickens, Greene and Tuskaloosa, or either of them, to or near the town of Tuskaloosa in Tuskaloosa county, and thence in a northwardly direction up the Warrior river to a junction or connection with the Kansas City, Memphis and Birmingham Railroad, and the Sheffield, Birmingham and Tennessee River Railroad, and the Georgia Pacific Railroad or either of them; and thence northwardly to the line of the State of Tennessee, or northwestwardly to the line of the State of Mississippi; with branches from the same in such directions and on such route or routes as the company may determine. It shall be the duty of said company to cross the Tombigbee river with its main line within one mile of the corporate limits of the town of Gainesville, in Sumter county; and on such railroad and branches the said company is hereby authorized to carry for hire persons and property by the power and force of steam, animal or other mechanical power or powers, or any combination of them; *Provided*, That nothing in this act shall be taken or construed to exempt said corporation from Regulation of rates and fares of rates and fares regulation of this state or by any instrumentalities that the legislature may deem best to effectually carry out such regulation and control, but such regulation of rates, fares, and control, so fixed and established, shall be sufficient to provide for the interest charges on the cost of building, equipping, maintaining and operating of said railroad.

Branch rail-  
roads

SEC. 3. *Be it further enacted*, That said company is authorized to build, equip, maintain and operate, in connection with its said railroad, branch railroads to connect with any other railroads in the state, or elsewhere, and said railroad company may build such switches, bridges, trestles, coal chutes, or wharves, as the traffic transported over its road may require, and which the company may deem necessary and convenient.

Right-of-  
way

SEC. 4. *Be it further enacted*, That for the purpose of constructing said railroad and branches the said company is hereby authorized to survey, lay out the right of way, not exceeding one hundred feet wide; and for the purpose of depots, machine shops, warehouses, engine houses, water stations, car sheds, coal chutes, eating houses, car or depot yards, wharves, piers, or other structures necessary or convenient for the business of the company and for the purpose of making embankments, and excavations, and for switches, connecting tracks, and turnouts; and for obtaining earth, stone, gravel, timber, or other material, or for the purpose of protecting its structures, it may take as much more land as the necessities or convenience of said company from time to time may require for the use and protection of its said railroad, branches and structures; *Provided*, No such property shall be taken or applied unless just compensation to the owner shall first be made, as required by the constitution of the state, to be determined as hereinafter provided, but said company may previously enter upon any land for the purpose of surveying, locating and laying out its said railroad and structures. *Provided*, That no right to private property to the use of said company is conferred by this charter, except that conferred by the constitution of Alabama upon railroad companies incorporated thereunder.

Right to  
lease

SEC. 5. *Be it further enacted*, That said company may in lieu of constructing any portion of its line or branches, purchase, or acquire by lease, for a term of not exceeding one hundred years the road bed of any other railroad or any portion of such railroad whose line may be located in whole or in part along the line of its proposed railroad or its branches; or said company



may for the purpose of making lines make common stock, or any other lawful contract whereby it may sell or lease, as aforesaid, to such other company any or all of its railroad or branches and the franchises thereof.

SEC. 6. *Be it further enacted*, That there is hereby granted to the said company a right-of-way over any of the lands of the state. Right-of-way

SEC. 7. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location, or whenever the topography of the locality may require, the said railroad company may cross, or build along the right of-way of any other railroad for a consecutive distance, not exceeding in any case ten miles, and said railroad or branches may be built across, or on and along any of the highways or public roads of the country, or across or along any of the streets of any incorporated town or city, through which it may be necessary or convenient to pass, or across any of the navigable waters along the line of its route or routes; *Provided*, That the said highways, roads, and streets shall, after construction of said railroad thereon or thereover, be restored to as good condition as practicable; *And provided further*, That in crossing the Tombigbee and Warrior rivers, at any navigable point, said company shall place a drawbridge, giving a clear passage of not less than eighty feet; *Provided*, That in such case the right-of-way shall be condemned under the forms of law as now provided, and the consent of incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right-of-way before the same shall be so used and occupied. May cross or build along lines of other roads  
Right-of-way

SEC. 8. *Be it further enacted*, That the capital stock of said company may be one million dollars and the same may be increased from time to time and in such amounts as the company may deem essential, or necessary to represent the cost of said railroad, its equipments, appurtenances, fixtures, etc. But said company may commence operations whenever so much as fifty thousand dollars of said capital stock shall be subscribed *bona fide*, in money, labor or property. The capital stock shall be divided into shares of one hundred dollars (\$100) each, which shall be deemed personal property and may be transferred in such manner Capital stock

and in such places, as the by-laws of said company shall direct.

Contracts  
with steam-  
ship lines,  
etc

SEC. 9. *Be it further enacted*, That said company may contract, purchase or lease, and own maintain and operate lines of steamships, steamboats, or other vessels or water craft, upon the Alabama, Tombigbee, Warrior or other rivers or navigable waters within or without this state, or the United States, in connection with their railroads for the purpose of transporting coal, iron and other products, merchandise and material to the markets of the world, or they may make joint stock or otherwise consolidate or make any lawful working contract with any line of steamboats or vessels for the purpose aforesaid.

Board of di-  
rectors and  
its powers

SEC. 10. *Be it further enacted*, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven, which number shall from time to time be fixed by the by-laws adopted by the stockholders of said company; and in such other officers and agents as said directors shall authorize or appoint; the board of directors shall consist of stockholders of said company. A majority of the directors shall be a quorum for the transaction of business, but the president, vice-president or executive officer of said company, and any two members of said board of directors may form an executive committee who shall exercise all the powers of the board of directors, when the same is not in session. They shall elect annually one of their number to be president, who shall also be president and executive officer of the company; and a vice-president and a secretary and treasurer who shall give bond as may be required by said board. Said board of directors shall also have power to require to be paid the sum subscribed by stockholders, in such manner, and at such time as it may deem proper, and on the refusal, or neglect of any stockholders to pay such installments the shares of such delinquent may after thirty days notice, be sold at public auction under such rules as the directors may previously prescribe; the surplus, if any, from the proceeds of sale, after the payments of the balance due shall be paid to such stockholders; but nothing herein contained shall prevent said company from

collecting by proper proceedings at law the amount due on any subscription.

SEC. 11. *Be it further enacted*, That after thirty days notice given by publication in some newspaper published in the city of Tuskaloosa by three of the corporators as named in the first section of this act, the said corporators, or a majority of them, shall assemble in the city of Tuskaloosa either in person or by proxy authorizing some one to act for them in the organization of the company, and shall arrange to open books of subscription to the capital stock of the company in such manner as they may see fit. Books of subscription

SEC. 12. *Be it further enacted*, That subscriptions to the capital stock of this company shall be taken payable in money, labor or property, at their money value, to be named in the lists of subscriptions and in the event of a failure to perform the labor or other service, and to deliver the property according to the terms of the subscription, the subscribers shall be bound to pay the amount named in the subscription lists in money. Two (2) per cent. of all subscriptions, whether for money, labor or property, shall be paid to the corporators in money at the time the subscription is made. Subscriptions to stock

SEC. 13. *Be it further enacted*, That when fifty thousand dollars shall have been subscribed to the capital stock of said company by the bona fide subscribers, the board shall call the subscribers together, by notice given in such manner as they may direct, for the purpose of organization, and a majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company, by electing from among the stockholders themselves, not less than five nor more than eleven directors, to manage the affairs and business of the company for the ensuing twelve months, or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president, vice-president, or executive officer, and an executive committee, and such persons as they may see fit for secretary and treasurer, to serve for such a period and under such condition as the by-laws may direct. Organization

SEC. 14. *Be it further enacted*, That upon the or-

Duty of cor-  
porators

ganization of the company the board of corporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, lists, notes, obligations and other papers taken and made by them, in organization of the company, and henceforth all such books and papers, lists, obligations notes and other papers shall be the property of the company as if taken and made by themselves.

Condemning  
property

SEC. 15. *Be it further enacted*, That paragraphs 1581, 1582, and 1599 of the code of Alabama for 1886 be and the same are hereby made applicable to the Black Warrior Railroad Company, the same as if said company had been organized under the provisions or chapter 6, title 1, of part 2, of the code of Alabama, and said paragraphs are hereby made part of this act; *Provided*, that said company shall not be required to condemn and appropriate in the first instance all property which is needed for it in the future development of its business, but may after the construction of its said railroad, and from time to time as its necessities and conveniencies shall require during its corporate existence, appropriate upon paying just compensation therefor, as hereinbefore provided, and may acquire such additional property as may be necessary or convenient in the prosecution of its business.

May borrow  
money, issue  
bonds, etc

SEC. 16. *Be it further enacted*, That this company may borrow money for the purpose of carrying out the objects of its charter, and may issue bonds, notes, or evidences of debts, and by a vote of a majority of its stock had at a meeting called for the purpose, and may secure the payment of notes, bonds or other evidences of debt by a mortgage or a deed of trust on its franchises, and on any or all of its property, real, personal or mixed.

Telegraph  
line

SEC. 17. *Be it further enacted*, That said railroad company may construct and operate a telegraph or telephone line or lines, in and along, and upon any and all portions of its right of way of its line and branches, both for its own use and for the purpose of doing a public telegraph business on its said line or lines, or at any station thereon, but said company shall not be compelled to do a telegraph business on its said line, or at any particular point thereon, unless it so desires;

*And provided*, that the right to construct such telegraph or telephone line or lines shall not exclude any other person or persons or corporation, to construct similar lines of telegraph or telephone lines along such right of way as now provided by law; and may maintain and operate an express line or lines on said company's road and connecting lines and branches and may transport such property as is usually transported by express companies, and may charge therefor reasonable rates for the risk and service performed. Express line

SEC. 18. *Be it further enacted*, That at the point or points where the proposed railroad crosses the Tombigbee and the Warrior rivers, or either of them, the said railroad company shall have the privilege of building, and is hereby authorized and empowered to build, maintain and conduct toll bridges; such bridges to be built in connection with the railroad bridges, and from such toll bridge or bridges may collect reasonable fees from all persons using or crossing the same, on foot or in conveyances, or for the transportation of wagons or property thereover. Toll bridges

SEC. 19. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 7, 1891.

226]

AN ACT

[H. 701

To cure irregularities in the issuance of claims against the fine and forfeiture fund of Marshall county, and to further regulate such fund.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all claims against the fine and forfeiture fund of Marshall county which have been passed upon and allowed by the court of county commissioners and issued by the probate judge of said county, be and the same are hereby constituted and declared good and legal claims against the fine and forfeiture fund of said county without regard to when they accrued or were allowed, or when they were is- Legal claims against fine and forfeiture fund

sued, or whether they have been registered by the county treasurer, or to the time of their registration.

SEC. 2. *Be it further enacted*, That the issuance heretofore by the probate judge of said county of any claims against the fine and forfeiture fund of said county shall be presumptive evidence that the same were passed upon and allowed by the court of county commissioners of said county within the meaning of the preceding section; and if it be further made affirmatively to appear that such claim was in fact passed upon and allowed by said court of county commissioners, this shall be conclusive that the same was properly chargeable to said fund.

Receivable in  
payment of  
fines, etc SEC. 3. *Be it further enacted*, That all legal claims against the fine and forfeiture fund of said county shall be receivable in payment of all fines and forfeitures taken in said county, as well as those that have heretofore been taken and not already discharged as of those that may be hereafter taken, without regard to whether they have been registered by the county treasurer, or to the order of their registration, or to whether the claim be for service rendered by any officer of the court or by state witnesses.

Penalty for  
refusal to re-  
ceive claim  
in payment SEC. 4. *Be it further enacted*, That the refusal of the proper officer to receive any such claim in payment of fines or forfeitures, as provided in the preceding section, shall subject him to a penalty of fifty dollars for each claim so refused, to be recovered by the party injured in a summary manner, as other penalties against such officers are recoverable, and he shall also be liable in an action at law for all damages sustained by any person because of his wrongful refusal to receive such claim.

Laws in con-  
flict repealed SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 9, 1891.



227.]

## AN ACT

[H. 755]

To refund to L. G. Cooper the sum of twenty dollars, being purchase money for certain land heretofore erroneously sold him by the state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor shall draw his warrant on the treasurer in favor of L. G. Cooper for the sum of twenty dollars, being purchase money for certain land heretofore erroneously sold him by the state; and the treasurer shall pay said sum out of any money in the treasury not otherwise appropriated. Appropriation

Approved February 9, 1891.

228]

## AN ACT

[H. 571]

For the relief of the estate of James Hunter, deceased.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That James Glover Denham, Thomas Morris, Robert Bethune and A. Keiller Bruce, the trustees appointed and associated by and under the provisions of the will or trust deed made by James Hunter, deceased, for the disposition of his estate after his death, be and they are hereby authorized to sell at private or public sale all or any part of the real or personal property situated in the State of Alabama, belonging to said decedent at the time of his death, or in which his estate may have, at the time of such sale, any interest, legal or equitable, and to make the purchaser or purchasers of such real estate, or any part thereof, a conveyance of all such right, title and interest as said decedent had therein at the time of his death, and as the trustees and *cestuis que trust* under such instrument may have therein at the time of such sale. Authority to sell and make title

SEC. 2. *Be it further enacted*, That said trustees be, and they are hereby authorized to adjust and settle all accounts of any unsettled partnership business in which said decedent may have been engaged in this state at the time of or prior to his death, and to that. May adjust and settle partnership business

end to make any and all relinquishment and conveyance to convey only such title as said decedent had in such property at the time of his death, and as the trustees and *cestuis que trust* under said trust instrument may have in such property at the time of the execution of such relinquishment or conveyance.

May remove  
proceeds to  
Great Brit-  
ain

SEC. 3. *Be it further enacted*, That said trustees be and they are hereby authorized to adjust and settle all claims due from or to said decedent or his said trust estate and to remove to the Kingdom of Great Britain the proceeds of any sale or collection made by them under the powers conferred by this act.

Administra-  
tor

SEC. 4. *Be it further enacted*, That the administrator of said estate in this state, and his successor in office, be, and they are hereby authorized to transmit and pay over to a majority of such trustees all personal property and moneys in their hands belonging to said estate.

When this  
act will be  
of force

SEC. 5. *Be it further enacted*, That this act shall not be of force until the administrator in this state of the estate of said decedent, and his sureties upon his bond for the administration of said estate, and Elizabeth Hunter, the widow of said decedent, shall have filed in the probate court of Mobile county, in this state, their written assent to the provisions hereof, such assent to be acknowledged before some officer authorized by the laws of this state to take acknowledgments, and to be by him certified in substantially the form prescribed for conveyances of land. The administrator in this state of said estate and the sureties upon his said administration bond shall be liable on such bond to any creditor or creditors of the estate of said decedent to the same extent that he and they would have been had said administrator sold such property and received the proceeds thereof, or received the interest of said decedent in such partnership business, or collected such claims in the usual course of administration.

Liability of  
administra-  
tor

SEC. 6. *Be it further enacted*, That all the powers conferred by this act upon the trustees hereinbefore mentioned, may be exercised by the major number of them and of such persons as in pursuance of the provisions of such instrument may hereafter be associated with them in the execution of such trust; that is to say

by a majority of the duly appointed and acting trustees for the execution of such trust instrument, at the time of the execution of any power, under this act, and such execution, and all acts lawfully done in execution thereof, shall have the same force and effect as if joined in by all the trustees then duly appointed and acting.

Powers exercised by trustees, etc

SEC. 7. *Be it further enacted*, That this act shall not operate to bar the administrator of the estate of said decedent from doing any act or acts which he could lawfully have done in the due administration of said estate without the passage of this act.

Approved February 9, 1891.

229]

AN ACT

[H. 225

To protect and regulate the time and manner of catching and taking fish from and in the waters of the State of Alabama, in the counties of Mobile and Baldwin.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to kill fish with torpedoes, bombs, or poison in the waters of this State.

Unlawful to kill fish with torpedoes etc

SEC. 2. *Be it further enacted*, That it shall be unlawful for any person to catch or take fish from and in the waters of this State between the fifteenth day of March and the fifteenth day of June of each year in any manner except with hook and line; *Provided*, That the provisions of this section shall not apply to salt-water fish.

Unlawful to catch except with hook and line

SEC. 3. *Be it further enacted*, That it shall be unlawful for any person to sell, or offer for sale any fish between the fifteenth day of March and the fifteenth day of June of each year; *Provided*, That the provisions of this section shall not apply to salt fish nor salt water fish.

Unlawful to sell

SEC. 4. *Be it further enacted*, That any person violating any of the provisions of this act shall be guilty of a misdemeanor and on conviction shall be

Penalty

fined not less than twenty nor more than one hundred dollars, to be paid into the treasury of the county in which the offense is committed.

Justice of the peace has jurisdiction  
SEC. 5. *Be it further enacted*, That any justice of the peace in the county wherein the offense has been committed may have jurisdiction of the offense prohibited by this act.

Exception  
SEC. 6. *Be it further enacted*, That nothing in this act shall be construed to prevent or prohibit the owners of ponds or lakes where the owner propagates fish from taking them at any time.

Applies only to Mobile and Baldwin  
SEC. 7. *Be it further enacted*, That the provisions of this act shall only apply to the counties of Mobile and Baldwin.

Unlawful to catch with seine, etc  
SEC. 8. *Be it further enacted*, That it shall be unlawful for any person or persons to use for the purpose of catching green or fresh-water fish to use any seine, gill or trespire net or net of like kind, at any time, north of the south boundary of T. 4, S., and east of the west boundary of range 2, east, in Baldwin county.

Laws in conflict repealed  
SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby repealed.

Approved February 9, 1891.

230]

AN ACT

[H. 457

To prohibit placing mortgages or incumbrances on growing crops in Monroe county.

Crop mortgages void  
SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no mortgage of a growing crop shall be valid. All pledges of agricultural products, before they are severed and susceptible of immediate delivery for the security of debt are void.

Act repealed as to Monroe  
SEC. 2. *Be it further enacted*, That an act entitled "an act to enable planters, farmers and crop-growers to convey by mortgage unplanted crops, approved February 23, 1889, be and the same is hereby repealed so far as the same relates to the county of Monroe.

SEC. 3. *Be it further enacted*, That this act shall apply only to the county of Monroe.

SEC. 4. *Be it further enacted*, That this act shall go into effect on the first day of April, 1891.

Approved February 9, 1891.

231]

AN ACT

[H. 488]

To provide for a re-survey of the county line between the counties of Monroe and Conecuh.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Monroe and Conecuh counties jointly be, and they are hereby authorized and required to procure the services of a competent surveyor and to cause a survey of the existing line between said counties to be made and completed by July 1st, 1891, along the entire line. Line between counties to be surveyed

SEC. 2. *Be it further enacted*, That immediately after the completion of said survey it shall be the duty of said commissioners court jointly to have a correct map of all lands through which said line is found to pass, a duplicate of which map shall be kept on file in office of the judge of probate of each of said counties for the guidance of the commissioners court and tax assessors of said counties. Map of lands

Approved February 9, 1891.

232]

AN ACT

[H. 669]

To incorporate the Auburn Baptist Church of Auburn, Lee county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the members, to-wit: C. E. Little, J. D. Foster and J. L. Heard and their successors, who may hereafter become members of the Auburn Baptist Church, be and they are hereby declared and constituted a body corporate by the name and style of the Name, rights, etc

Auburn Baptist Church of Auburn, Lee county, Alabama, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity, and may exercise any other right, either equitable or legal, that belongs to or may be exercised by individuals. Said body corporate may also acquire, hold, possess and enjoy goods and chattels, lands and tenements as may be necessary, convenient and desirable, and may, by a vote of a majority of its members, sell, transfer and convey the same at pleasure.

SEC. 2. *Be it further enacted*, That said body corporate may have a common seal, and may alter the same at pleasure; may make such by-laws, rules and regulations from time to time as may be necessary for its government, and may alter, change, amend or repeal the same at pleasure, and may elect all such officers, and appoint all such agents as may be deemed necessary or desirable for its organization, and may remove the same at the pleasure of a majority of its members.

Approved February 9, 1891.

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233]

AN ACT

[H. 275

To repeal an act entitled an act, relating to the working of male convicts sentenced to hard labor for the county of Jefferson, upon the public roads of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act relating to working of male convicts sentenced to hard labor for the county of Jefferson upon the public roads of said county," approved February 18, 1887, be and the is hereby repealed.

Approved February 9, 1891.



234]

AN ACT

[H. 615]

To repeal an act entitled an act to authorize the tax collector of Marion county to collect the unpaid taxes for the years of 1880, 1881, 1882, 1883, and to pay the same to J. R. Hughes, late tax collector of said county, for the purpose of reimbursing the said J. R. Hughes for money paid the state and county on account of said taxes, approved February 28, 1887.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to authorize the tax collector of Marion county to collect the unpaid taxes for the years 1880, 1881, 1882, 1883, and to pay the same to J. R. Hughes, late tax collector of said county, for the purpose of reimbursing the said J. R. Hughes for money paid the state and county on account of said taxes, approved February 28, 1887, be, and the same is hereby repealed. Act repealed

Approved February 9, 1891.

235]

AN ACT.

[H. 158]

To amend section 497 of Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 497 of the code be amended so as to read as follows:

SEC. 497. Meetings of the board.—Such board shall meet at the office of the auditor annually, on the second Wednesday in April, and if there should not be a majority of the board present at that time, the auditor shall immediately notify the governor of the fact, who shall appoint another day for the meeting of the board as early as practicable thereafter, and of such appointment the auditor shall notify the other members and the attorney-general, and should any further failure to meet occur, the governor shall have power, and he is required to repeat the appointment until a quorum is obtained, and of such subsequent appointment like notice must be given by the auditor. Time of meeting of state board of assessment

Approved February 9, 1891.

To regulate the fine and forfeiture fund of Conecuh and Escambia counties and the disposal of moneys arising from fines, forfeitures, and convict labor in said counties.

Fine and forfeiture fund SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all claims that may hereafter accrue against the fine and forfeiture fund of Conecuh and Escambia counties shall be registered in the same manner as is now provided by law—but claims which have been registered by the county treasurer, shall not be required to be registered again and in such registration the order and number of registration shall be preserved.

Clerk of circuit court to collect SEC. 2. *Be it further enacted,* That hereafter during the term of the circuit court of Conecuh and Escambia counties no one but the clerk of such court shall be authorized to collect the fines and forfeitures and costs in state cases during such term, the payment of which must be entered upon the trial docket, and upon the minutes of such court.

Reports of clerk SEC. 3. *Be it further enacted,* That it shall be the duty of such clerk within fifteen days after the adjournment of each term of the court to render to the board of county commissioners of said county a statement of all state cases disposed of at such term and how disposed of; and also within said fifteen days, shall render to the county treasurer, a list of the cases disposed of and a full statement of fines, costs and forfeitures collected at such term, and shall then and there pay over the same to the county treasurer, which said list and said statement must be verified by the affidavit of such clerk, and for failure on the part of such clerk to pay over the funds collected in the time, and as required by this act, he shall be liable to five per centum monthly damages for each and every month of such failure.

Report of county treasurer SEC. 4. *Be it further enacted,* That it shall be duty of the county treasurer to report all moneys in his hands accruing from fines and forfeitures, convict labor, and otherwise pertaining to said fine and forfeit-

ure fund to the commissioner's court, and the same shall be subject to the order of said court, and to be paid out by said treasurer only upon the order of such commissioners court.

SEC. 5. *Be it further enacted*, That it shall be the duty of the court of county commissioners, if there be funds in said fine and forfeiture fund, to advertise for three weeks previous to each regular term of said court notifying all persons holding registered claims against said fund, that bids will be received until 12 o'clock of the day such court meets, and shall state in said advertisement the amount of the fund on hand, and the amount of registered claims against the fund outstanding and unpaid. The bids shall be made in writing, and shall state the claim or claims held by the bidder and the number of registration, which shall be sealed and handed to said commissioners court before the hour of 12 o'clock on the day said court meets. The money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund, at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds be insufficient to pay all of them, the money shall be awarded to such claims in the order of their registration, beginning with the oldest. When the biddings are closed and the money awarded, said commissioners court shall issue warrants upon said fund to the persons entitled thereto upon receipt and surrender of their claims, or a proper voucher if their claim is not paid in full, and an endorsement on the claim of the amount paid thereon; and said treasurer shall also note the amount of the payment on the registry of claims.

Comm'r's to  
advertise

The money  
to be award-  
ed

SEC. 6. *Be it further enacted*, That after the passage of this act, all fines and forfeitures, hire of convict labor, or anything pertaining to said fine and forfeiture fund, shall be paid only in lawful currency of the United States, and in nothing else, and all moneys which accrue to said fund in said counties, and which may be collected by any sheriff, clerk, judge of probate, justice of the peace, notary public, constable, coroner or other officer, shall be paid to the county treasurer; and any officer who collects any such money and wilfully fails

Fines and  
forfeitures  
payable in  
currency

for more than thirty days to pay the same to the county treasurer, shall be guilty of a misdemeanor, and upon conviction, shall be punished as now provided by law, and the judge of the circuit court is required to give this section specially in charge to the grand jury at each term of said court.

SEC. 7. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; *Provided*, said court shall compromise and settle claims which are now registered, and said court shall have the right to reject any and all bids, and said court shall not pay more than fifty cents on the dollar in compromise of any claim.

Approved February 9, 1891.

237]

AN ACT

[s. 174

To create a new charter for the town of Jacksonville, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within an area of land extending in every direction two (2) miles from the centre of the public square in the town of Jacksonville, Alabama, be, and the same are hereby incorporated and made a body politic and corporate under the name and style of The Mayor and City Council of Jacksonville, which shall be managed and governed by a mayor and city council as hereinafter provided. Said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded in all the courts of law and equity, and in all actions whatsoever; may purchase, receive, and hold property, real and personal within said city, and may sell, lease or dispose of the same for the use and benefit of the city, and may purchase, lease or hold real estate and personal property beyond the limits of the city for any purpose that the mayor and city council may deem necessary and proper, and may sell, lease or hold the same for the benefit of the city to the same extent

as natural persons. It shall have and use a common seal, and change it at pleasure.

SEC. 2. *Be it further enacted*, That the mayor and city councilmen shall be elected for a term of one year, the next election to be held on the first Monday of April, 1891, and on the first Monday of April in each year following thereafter. The mayor and councilmen shall be elected by voters whose qualifications shall be the same as those entitled to vote at state and county elections. It shall be the duty of the mayor to preside at the meetings of the council, and to carefully examine all ordinances passed, and should any of them not meet with his approval, he shall return the same to the next regular meeting of the council with his objections thereto in writing, and no ordinance so vetoed by the mayor shall go into effect unless the same be afterwards passed by a majority vote of the whole number of the city council. No bill or ordinance shall become a law without first having been passed on three several readings by a majority vote, which may be done at the same meeting, on the third of which readings a majority of the whole number of members of the board shall be required, and until said bill shall have been signed by the mayor, or without his signature, as provided in this act. The mayor shall be required to veto only such parts of the bill as he may deem objectionable, and may approve the residue of the bill. If the mayor fail to return any ordinance to the next regular meeting of the city council, he shall be deemed to have approved the same, and it shall become a law without further action. The mayor shall have the power to make *pro tempore* appointments to fill vacancies occasioned by sickness, absence or other disability of any city officer, except councilmen, for misconduct in office, or neglect of duty, reporting his action with his reasons therefor in writing, to the next regular meeting of the city council, by whom final action shall be taken. He may, whenever in his judgment the good of the city requires it, call meetings of the city council. and when so called, he shall state the object for which it shall have been called, and the business of such meeting shall be restricted to the object so stated. He shall, at least once in every

Election once  
a year

Duties and  
powers of  
mayor

three months cause to be presented to the city council a full and complete statement of the financial condition of the city. The mayor shall from time to time communicate to the city council such information, and recommend such measures as may, in his judgment, tend to the improvement of the finances and the general interests of the city. He shall take care that all the ordinances are duly respected and observed within the city, and perform such other duties as may by ordinance be required of him. The compensation of the mayor shall not be less than fifty dollars per annum, and may be changed by ordinance to any amount which may seem to be commensurate with the duties and responsibilities of his office, but not during his term of office. In case of his absence, the councilman elected *pro tem* shall discharge his duties, and is hereby clothed with authority for that purpose, and in case the office of mayor is vacated, by death, resignation, removal or any other cause, the mayor *pro tem.* shall discharge the duties of said office until a successor for his unexpired term shall be elected by the people, which said election shall be held within thirty days after a vacancy occurs, and in case of the absence or disability of the mayor or mayor *pro tem.*, the city council may be called in special session by any member thereof, and one of their number be designated to act as mayor *pro tem.*

Councilmen shall be composed of six councilmen, who shall reside within the limits of said city at the time of their election, and during their term of office. No person shall be eligible to the office of mayor or councilman who has not the qualifications mentioned in article 8 of the constitution of this state, and who has not been a resident of said city of Jacksonville for at least two years preceding his election. If the mayor should cease to be a resident of said city, his office shall thereby become vacant, and the vacancy shall be filled for the unexpired term by the council as above provided. Should any councilman cease to be a resident of said city, his office shall thereby become vacant, and his vacancy shall be filled for the unexpired term, as is provided for above. Where two or more persons re-

Eligibility

Vacancies



ceive an equal number of votes for the office of mayor, Tie for  
the election shall be referred back to the voters of the mayor  
city, held as before within the next succeeding thirty  
days. The mayor, or other officer, may be impeached Impeach-  
by the city council for misfeasance, malfeasance or ment  
nonfeasance in office, and two-thirds of the city coun-  
cil concurring, may be removed. Vacancies occurring  
in the city council may be filled by a majority vote of  
the remaining members thereof.

SEC. 4. *Be it further enacted*, That the mayor and Oath of office  
each councilman shall before entering upon the duties  
of his office take an oath that he will faithfully and im-  
partially discharge the duties of his office. The coun-  
cilmembers shall elect one of their own number to be their  
presiding officer to act in the mayors absence, who  
shall be clothed with the authority of mayor *pro tem*. Mayor pro  
The city council shall judge of the qualifications, elec- tem  
tions and returns of its own members, and shall pre-  
scribe rules for the determination of contested elections. Rules of pro  
It may determine its own rules of proceedings and ceedings  
prescribe a punishment of its members for non-attend-  
ance or disorderly conduct and enforce the same. Two-  
thirds of its members concurring, may expel a mem-  
ber for improper conduct while in office. It shall re-  
quire a majority of the members of the board to form  
a quorum for the transaction of business but a smaller Quorum  
number may adjourn from day to day and under a pro-  
vision of ordinance may compel the attendance of ab-  
sent members by fines and penalties. To enable the  
city council to fully investigate charges against its  
members or other officers or such other matters as they  
deem proper, the mayor at the request of the board is  
hereby empowered to issue subpoenas and compulsory  
process to compel the attendance of persons, and the  
production of books or papers before the city council  
or any committee of the council. The city council Meetings  
shall hold meetings at such times as it may determine  
not exceeding two regular stated meetings each month.  
Councilmen shall receive compensation not to exceed Compensation  
\$25 per annum. It shall be the duty of the city coun-  
cil before the second Monday of June of each year, to  
agree upon a budget for the expenses of the next en- Budget for  
suing year which shall designate the officers of the expenses  
each year

corporation for the year, with the salary of each, and under general heads, such as streets, fire departments, lights, schools, water, police, &c., the subject of corporation expenditures, and the estimated amount now out in figures of the probable expenditure for each purpose. The budget shall be published in some newspaper published in said city. If any mayor, councilman or officer of the corporation or any other person intrusted with the disbursement of the corporation funds, shall knowingly violate any of the provisions of this paragraph, or aid in such violation, or who shall create or aid in creating any liability of the corporation, beyond the expenses as fixed by the budget, in the modes especially designated, he shall be civilly liable to the corporation for the excess, or for any loss to the corporation.

SEC. 5. *Be it further enacted*, That before the first election held under this act, and every year thereafter, the mayor and city council shall appoint three inspectors of such election who shall be residents of said city, and the mayor and council shall provide for the opening of one polling place for the holding of said election, and, it shall be the duty of the mayor to give ten days notice by publication in a newspaper or by posting notices of the time and place of holding and the names of the inspectors appointed to hold said election. Said election shall be conducted according to the laws of the state, except as herein changed. But no person shall be entitled to vote at said election unless he possesses the qualifications mentioned in section 8 of the constitution of the state, and shall have resided in said city thirty days, and shall cause himself to be registered in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of the election at the polling place, the certificate of such registration hereinafter provided. At least thirty days next preceding each election the mayor shall appoint a qualified elector who shall commence the registration of the qualified electors on the second Monday in March, 1891, and every year thereafter, and shall continue the same for six days from nine, a. m. to six p. m., of each day, after giving five days notice of his appointment, by posting printed notices in five or more

Elections

Inspectors

One polling  
placeDuty of  
mayorRegistrar  
and his du-  
ties

public places in said city and of the time and place at which he will make registration of voters. Registrars are hereby empowered to administer oaths to all persons who offer to register, and to witness, whom he may examine. Said registrar must be satisfied by personal knowledge or by sufficient evidence that each applicant for registration is a qualified elector as prescribed above, and the name of each to be subscribed by each elector if he can write or if he can not write then the registrar must at such electors direction write his name and cause him to make his mark thereto, which shall be attested by said registrar under the appropriate head, and in the prescribed form hereinafter set out. The mayor shall provide blanks printed and ruled on good paper suitable for binding in book form for the registration of electors, which he shall furnish the registrar. The blanks shall be headed with the following oath and form, to-wit: Jacksonville, Alabama, We, the undersigned registered electors, each for himself, do solemnly swear (or affirm) that I will support and maintain the constitution and the laws of the United States, and of the State of Alabama, that I am not excluded from registering or voting by any of the clauses of any section of article viii of the constitution of Alabama, and that I shall have been a resident of the city of....., Alabama, for thirty days immediately preceding the next election in said city, and that at said election I will be a qualified elector under the laws of the city of Jacksonville, Alabama. I ..... registrar for said city of Jacksonville, Alabama, do hereby certify that the foregoing names of registered voters from No..... to No..... inclusive, were duly registered by me according to the law, between the dates of ..... and ..... in said city of Jacksonville, and that each of said persons so registered took and subscribed before me, the above and foregoing oath, on the day set opposite their names respectively.

Registrar  
and his du-  
ties

Witness my hand this ..... day of .....  
18— .....

.....Registrar,  
The names of the persons registered shall be numbered in the order of their registration. Said registrar must furnish each person at the time of his registration, a certificate of registration as follows: Jacksonville,

Registrar  
and his du-  
ties

Alabama, I ... Registrar, do here-  
by certify that ..., age .....  
color ..... residing in said city of Jackson-  
ville, Alabama, registration No. .... this day regis-  
tered before me as an elector in the city of Jackson-  
ville, Alabama, for the election to be held on the .....  
day of ..... 18.....

.....Registrar

The right of any person to be registered as a voter  
may be challenged in the manner hereinafter provid-  
ed, for the challenging of any person who may claim  
the right to vote, at any municipal election of said  
city. Said registrar shall make two correct copies of  
said original registration list, one in the order of regis-  
tration and as numbered, and the other the names of  
the persons registered, shall be arranged alphabeti-  
cally, and he shall certify said original and copies  
over his signature, within three days after the closing  
of the registration, to the mayor of the city. For his ser-  
vices in registering electors and for preparing the said  
registration lists, the said registrar shall receive five  
cents for each person that he has registered. It shall  
be the duty of said registrar, to certify the amount of  
his compensation which shall be a preferred claim and  
paid out of any money in the city treasury, not other-  
wise appropriated. Before entering upon the dis-  
charge of his duties the registrar shall make and sub-  
scribe an affidavit before the mayor that he will faith-  
fully and truly perform the duties by this act imposed  
upon him, and that he will register all persons who  
may apply therefor, and show that they are legally en-  
titled to vote at the next coming election as by this act  
provided, and no other person, which affidavit shall be  
filed with the clerk of the council. The mayor shall  
cause at least ten carefully prepared copies of  
the said alphabetically arranged list of electors  
in said city to be printed or written, and shall  
furnish to each of said inspectors of elections the orig-  
inal registration list and copy thereof, as certified to  
him by the registrar, to be used at such election. One  
of these printed or written copies shall be designated  
and used by the said inspectors as the official copy,  
and shall be by them returned together with the man-

Duty of  
mayor

Duties of  
inspectors

uscript copy of the original registration list as furnished them by the mayor, with the ballots cast at such election, as part of their official returns as hereafter directed. The mayor shall post, at least seven days before the election, at the postoffice a complete copy of said registration list. The original list and the alphabetical copies shall be by the mayor deposited with the clerk of the council, to be preserved among the records. The inspectors of election shall not receive at said election the vote or ballot of any person whose name does not appear on the registration list as furnished by the mayor, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, to be by said inspectors then and there cancelled, and who does not on demand make satisfactory proof of his identity with the person whose name may be on the registration list. The printed list or written list, furnished by the mayor, shall be taken to be correct, subject, if error is alleged, to be corrected by comparison with the original registration list, which for that purpose shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors they shall forthwith draw a line with ink on the name voted. The said inspectors immediately after the polls are closed, shall proceed to count the ballots and compare them with the poll lists, and if two or more ballots are found rolled up or folded together so as to induce the belief that the same was done with fraudulent intent, they must be rejected, or if any ballot contains the names of more persons than the voter had a right to vote for, the first of such names on such ticket to the number of persons the voter was entitled to vote for only must be counted. As soon as they shall have finished the count and ascertained the number of votes received for each person and for what office, they must certify the result of the election to the mayor and councilmen of said city. They must also enclose the ballots cast with the poll list and the official copy of said registration list, and the manuscript registration list, and the certificates of registration surrendered at the election, together with their tally sheets, and certificates of the result, in the box in which was placed the ballots re-

Duties of  
mayor and  
council

ceived at such election, and carefully seal the said box, deliver the same with its contents to the mayor, who shall give his receipt for the same, stating the condition of the box when received. The mayor and the city council shall, within three days after said election, hold a meeting and open the box received from the inspectors, and from said certified returns declare the election of the persons who shall have received the highest number of legal votes to their respective offices, and the mayor shall give certificates of election to their respective offices to the persons so found to be elected. Said mayor and council shall hold and safely keep for thirty days said poll lists, ballots, tally sheets, registration certificates, and certified returns and lists of registration. The judge of probate of Calhoun county shall have jurisdiction as provided in article 3, chapter 4, title 6, part I of the code, for all contests of any election for any of the municipal offices of said city, except councilmen, and all laws of the State of Alabama governing or applicable to contesting elections for the office of sheriff shall apply and govern in contesting any election for any of the said municipal offices, except councilmen. If there be no contest, said mayor and councilmen shall destroy all of said papers, except said original registration list and the certified manuscript copies, which shall be preserved as hereinbefore provided. Any person offering to vote at any municipal election in the city of Jacksonville may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote, whom he does not know, or suspects not to be qualified under this act, as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender to him the following oath, to-wit: "You do solemnly swear that you will answer all such questions as may be put to you, touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. They may also receive proof of his qualification, other than the oath of the challenged party, and are hereby empowered to administer oaths to all persons who offer to vote, and to witnesses

Challenge



whom they may examine, and must admit or reject the bol-  
lot of the challenged party as his right may be  
shown, and if any person refuses to take the above  
oath, or to answer any of the questions, except such as  
may tend to criminate himself, his vote may be re-  
jected. If any voter shall lose his registration certi-  
ficate, upon affidavit of the loss thereof, it shall be the  
duty of the registrar to issue to such person another  
registration certificate, with the word "duplicate"  
written across the same. If the registrar shall fail to  
comply with this provision, he shall be deemed guilty  
of a misdemeanor, and shall be fined not less than  
twenty nor more than three hundred dollars for each  
offense. Any person who falsely personates another,  
and thereby casts a vote to which he is not entitled, or  
thereby obtains a registration as a voter, or attempts  
by such false personation of another to obtain such  
registration, or after having once voted at such election,  
vote a second time, or shall attempt such registration,  
whether in the same or another manner, or shall aid or  
assist another person not so entitled, knowing him not  
to be so entitled to register or vote, shall be guilty of  
a felony, and upon conviction shall be punished by im-  
prisonment in the penitentiary for not less than six  
months, nor more than two years.

Registration  
certificate is  
lost

Illegal vot-  
ing, etc., a  
felony

SEC. 6. *Be it further enacted*, That the mayor and  
city council of the said city of Jacksonville, shall  
within the limitations of this act, have power by  
ordinance: 1. To levy and collect taxes upon all  
property taxable by law for state purposes. 2. To  
levy and collect taxes upon all privileges, trades or  
occupations, of not less than five nor more than one  
hundred dollars. 3. To appropriate money and provide  
for the payment of the debts and expenses of the city,  
and also the debts of the municipal corporation of  
which it is the successor. 4. To make regulations to  
prevent the introduction of contagious diseases into  
the city, to make quarantine laws and regulations for  
that purpose, to enforce the same within five miles of  
the city and to punish the breach of violation of the  
same. 5. To establish hospitals, and make regulations  
for the government thereof. 6. To make regulations,  
to secure the general health of the inhabitants, and to

Powers of  
mayor and  
council

Powers of  
mayor and  
council

prevent and remove nuisances. 7. To provide the city with water by waterworks within or beyond the city, or by contract, and to provide for the extinguishment or prevention of fires, and to organize and establish fire companies. 8. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys, sidewalks, or to have the same done, and to plant shade trees, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriation for lighting the streets and parks, and for the erection of all buildings necessary for the use of the city. To keep in repair parks and places for public leisure and amusement. 9. To license, tax and regulate auctioneers, grocers, merchants, taverns, brokers, coffee houses, restaurants, confectioners, hawkers, peddlers, butchers, doctors, lawyers, livery stable keepers, and all other privileges, 10. To license, tax and regulate hacks, carriages, carts, omnibuses, wagons, drays, and all other vehicles, used for hire, and to fix the rate to be charged for the transportation of persons and property within the corporate limits of the city. 11. To license, tax, regulate or prohibit or suppress, theatrical and other exhibitions, shows and other amusements. 12. To regulate, or prohibit, or suppress all gambling houses, disorderly and bawdy houses, and obscene literature or pictures. 13. To license, tax and regulate the sale or giving of spirituous, vinous, or malt liquors or intoxicating bitters or beverages. *Provided*, That the license or tax in such cases shall not exceed the sum of one thousand dollars to be fixed by the city council. 14. To regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent or suppress the sale of fire-arms and carrying of concealed weapons. 15. To regulate the storage of gun-powder, tar, pitch, rosin, salt-petre, and all other combustible, explosive or inflammable material, and the use of lights, candles, lamps and steam-pipes in stables, shops and other places, and to regulate and suppress the use and sale of fire crackers and toy pistols. 16. To establish standard weights and measures to be used in the city, and

to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the city. 17. To provide for the inspection and measuring of lumber and other building material. 18. To provide for the inspection and weighing or measuring stone, coal, wood, and all fuel, hay, corn and other grain. 19. To provide for and regulate the inspection of beef, pork, flour, meal and spirits in barrels, hogsheads and other vessels or packages. 20. To regulate the inspection of milk, butter, lard and other provisions, to regulate the vending of meat, poultry, fish and vegetables, to restrain and punish the forestalling and regrading of provisions, to establish and regulate markets. 21. To impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation. 22. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city by day or night, and for punishment of all breaches of the peace, noise, disturbance, or disorderly assemblies, and to provide for the punishment by fine or imprisonment, the commission of any offense punishable by the laws of the State of Alabama. 23. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full extent and meaning of this act, and to accomplish the object of this incorporation. 24. To impose penalties upon the owner or owners or occupants or agents of any house wall or side walls, or other structure that may be considered dangerous or detrimental to the citizens, unless after due notice, to be fixed by ordinance, the same be removed or repaired. 25. To regulate, tax, license, or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption, in pursuance of ordinances, to sell or kill the same. 26. To erect, and organize a work house, in or near said city, and any person who shall neglect or fail to pay any fine imposed upon him by ordinance of said city, shall be committed to such work house until such fine and costs shall have been fully paid, or if male, to work out the fine on the streets. 27. To provide for improving inclosing and regulating all public grounds

Powers of  
mayor and  
council

Powers of  
mayor and  
council

belonging to the city in or out of the corporate limits. 28. To impose penalties upon persons convicted of cruelty to animals. 29. To appoint, regulate and govern a police force, to impose fines, forfeitures, penalties and term of imprisonment in the city workhouse, the county jail or work on public streets, of males for the breach of any city ordinance, but no penalty shall exceed fifty dollars, and no term of imprisonment shall be for a longer term than three months for the same offense. 30. To regulate and provide for the construction or repairing of sidewalks or foot pavements, and if the owner or owners of the adjacent lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the city council may contract for the construction or repair of such sidewalks or pavements, and the city shall pay the same and the amount so paid shall be a lien upon said lot and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction, to compel owners of buildings to erect fire escapes when necessary for the safety of the occupants. 31. To grant the right-of-way through the streets, avenues and squares of said city, for the purpose of said street or other railways, telephone, telegraph and electric light companies, and for laying pipe of gas and water companies. 32. To take and appropriate grounds for widening or extending streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades when the public convenience requires it, in the estimation of the city council, upon just compensation, to be determined according to the laws of the state regulating proceedings of *ad quod damnum* and condemnation by railroad corporations, being first paid before taking the same. 33. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove wooden buildings or other structures, paying the owner therefor, a reasonable price which shall be determined by arbitration, the arbitrators to be selected as follows: one by the owner of the property, and one by the mayor of the city. In case of a failure to agree, the arbitra-

tors so selected, shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final, and to punish by fine or imprisonment the erection of any buildings in said fire limits other than those prescribed by ordinance. 34. To regulate the speed of trains, cars or locomotives or railroads or tramways in streets, and to punish violations of such regulations. 35. To establish and build drains, sewers, aqueducts and reservoirs and to regulate the same, and to take and appropriate any land or rights of way necessary for such drains, sewers, aqueducts or reservoirs upon just compensation being first paid, to be determined according to the laws of the state regulating proceedings of *ad quod damnum*, and to pass all ordinances necessary to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or agent of such property by fine or imprisonment, one or both. 36. To prevent and remove all nuisance at the expense of the person causing the same, or upon whose premises the same may be found; to regulate or prohibit privies and privy and water closets, sinks and wells. 37. To make all ordinances necessary concerning idlers, paupers, vagrants, and disorderly or vicious persons, and correcting and restraining their vicious habits. 38. To punish all persons who, in any manner, obstruct policemen in the arrest of any person in police limits, and for the punishment of any person who, when called upon to aid in the arrest of any person, shall fail to give such aid, or when summoned to act as patrol, refuses to act; and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damage in a civil suit, provided he did no more than was necessary to effect such arrest. 39. To punish injuries to streets, sidewalks and trees, and to private or city property. 40. To exempt from city taxation for a period of not longer than ten years any new enterprise, business or industry which may come into said city after the passing of this act.

Powers of  
mayor and  
council

SEC. 7. *Be it further enacted*, That whenever in the judgment of said mayor and city council any house,

Dangerous  
buildings

building, structure or improvement within the fire limits of said city shall become dangerous to life, or to the property interests of the inhabitants, they shall have the power and authority and they are hereby authorized to declare the same to be a nuisance, and to have the owner to remove the same at his own expense, and failing to do so when notified, shall be liable to such fine and imprisonment as may be imposed by ordinance.

Appropriation of revenues

SEC. 8. *Be it further enacted*, That the mayor and city council are forbidden to make any appropriation of money or credit in the way of donations, festivities, and payments, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local and according to the provisions of this act.

Standing committees

SEC. 9. *Be it further enacted*, That the city council shall, by ordinance, determine the number of standing committees, and the number of members of each committee and their duties. The mayor shall appoint said committees as soon as practicable after his election, and shall be *ex-officio* a member of each, but shall not be entitled to a vote except in case of a tie.

Ordinances

SEC. 10. *Be it further enacted*, That all city ordinances shall begin as follows: "Be it ordained by the Mayor and City Council of Jacksonville," and shall at the end of the act contain the provision that "this ordinance shall go into effect from and after its passage, the welfare of the city requiring it," otherwise the same shall not take effect until twenty days after its passage.

Contracts with city

SEC. 11. *Be it further enacted*, That no member, officer, or employe of mayor or city council shall be directly or indirectly interested in any contract or work of any kind whatsoever, under the direction of the said mayor or city council, or any contract or material in which any such person has any interest shall be void. When in the opinion of the city council it shall become necessary in the prosecution of any work to make alterations or modifications in the specifications or plans of a contract, such alterations or modifications shall only be made by order of the city council, and such order shall have no effect until the price to be paid for the same shall have been agreed upon in writ-



ing and signed by the contractor, and approved by the city council. The total cost of the work, with the addition of the price agreed upon shall not exceed the original estimate. No contractor shall be allowed anything for any extra work, alteration or modification, unless this section be complied with, and he shall not be allowed more than the price fixed by agreement.

SEC. 12. *Be it further enacted*, That the members of the police force shall have authority to immediately arrest without warrant and take in custody any persons who shall commit or attempt to commit in the presence of such policeman or in his view, any breach of the peace or public offense prohibited by the laws of Alabama, or any ordinance of the city council; and such policeman shall upon such arrest, unless bond be given, deliver such offender into the city guard-house, that he may be dealt with according to law by the mayor's court at its next sitting, and the officer shall without delay report the arrest and the cause thereof to his superior officer.

Authority of  
police

SEC. 13. *Be it further enacted*, That every person committed to the workhouse, or to work on the streets shall be required to work at such labor as health and strength will permit, within or without the city, not exceeding ten hours a day, and for such work the person so employed shall be allowed, exclusive of his board, fifty cents per day until the whole is discharged. No person shall be compelled to work longer than six months for any offense.

Working out  
fine

SEC. 14. *Be it further enacted*, That all taxes shall be collected as prescribed by ordinance. Collectors of taxes or privileges in said city shall have power to issue distress warrants and alias and pluries distress warrants in the name of the mayor and city council. The same may be executed by any policeman or other officer.

Collection of  
taxes

SEC. 15. *Be it further enacted*, That the mayor and city council are authorized to create such offices and to provide by ordinance for the appointment or election of all such officers as may be necessary for the good government of the city, not to interfere or conflict with the duties of officers and appointees provided for in this act, whose compensation and bonds and the time

Officers elec  
ted by coun  
cil

of service shall be fixed before their election. The said mayor and city council shall have authority at any time to abolish any office created by them. All elections by the city council shall be *viva voce* on the call of the roll. All officers created by this act or by ordinance shall give such bond as the mayor and city council shall decide. No councilman shall be eligible to any city office during the period for which he was elected.

Work on streets  
SEC. 16. *Be it further enacted*, That the said mayor and city council shall have power and authority by fine and imprisonment or hard labor, or either, to compel all the male inhabitants of the city between the ages of eighteen and forty-five years to work on the streets of said city under the directions of the said mayor and city council for a period not to exceed ten days in each year; *Provided*, That any person liable to such work may relieve himself therefrom in any year by the payment to the city tax collector or any person authorized to receive moneys for the city the sum of three dollars.

Tax assessor and his duties  
Assessment ; duties of mayor and council  
SEC. 17. *Be it further enacted*, That the city council shall elect a tax assessor whose term of office shall be one year, and whose salary and bond shall be fixed by the city council. It shall be the duty of such assessor before the first day of May of each year, to assess for taxes all property within the corporate limits of said city subject to taxation under the laws of this state. Such assessment, naming the person liable to such taxes when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor and city council, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the city council or committee thereof will hear and determine upon all complaints which may be made against the assessment, and it shall be the duty of the city council or committee thereof to correct errors and supply omissions, and when the same has been passed upon by the city council they shall levy a tax thereupon, and such levy shall have the force and effect of judgment and execution. And taxes on personal property may be collected by levy and sale, on giving such notice as is required by law, on executions for the circuit court.

SEC. 18. *Be it further enacted*, That whenever any taxes on real property in the said city assessed for municipal purposes, shall be due and unpaid for thirty days, the city tax collector may file with the mayor a list of such property, describing the same, as accurately as may be according to the map or maps of said city in common use, and with the name and owner of each separate piece, if known, and the amount of taxes, interest and cost due on each piece separately, or if the owner be unknown, stating that fact, and giving the name of the occupant, or that the property is unoccupied. It shall be the duty of the mayor of said city to keep a book in which he shall enter the property so reported to him delinquent, stating each piece separately, and docketing a case against each piece of property as follows: "Mayor and City Council of Jacksonville vs. ——— (describing the property) and against such entry shall note the ownership of said property, and the amount of taxes, interest and cost due on said property, and shall leave space for the proper judgment entry in each case. The mayor shall then cause a notice to be posted in some conspicuous place on said property stating the fact that the taxes are delinquent, and giving the amount of same and such statement as to ownership as may be entered on his docket, and that proceedings are pending before the mayor to have the same sold for taxes, and also shall cause a similar notice to be served on the owner of said property if known, and resident in the county of Calhoun, otherwise upon the occupant of said property, or, if the same be vacant, shall publish such notice in a newspaper published in said city, for three consecutive weeks, before proceeding further in said matter. The notice prescribed shall be served and posted by some policeman of said city, whose return of service and posting and publication shall have the same force and effect, of a return of a sheriff on process from the circuit court. If the taxes remain unpaid for thirty days, after the posting and service of said notice or publication, the city tax collector may move the mayor for a judgement against said property for the amount of taxes, interest and cost due on same, and the mayor shall thereupon, if good cause be

Collection of  
taxes

Collection  
of taxes

not shown to the contrary, enter upon his said docket a judgment against said property for the amount of taxes, interest and cost, that may be due on said property, and a decree for the sale of the property for non-payment of the same, which judgment and decree shall be sufficient, if in substance as follows: "Due notice having been given and no cause shown to the contrary, it is decreed that the property described in this cause be sold for non-payment of \_\_\_\_\_, " (giving amount of taxes, interest and costs) the amount of taxes assessed against same, with interest and costs," which judgment shall have the same effect as a decree of a court of competent jurisdiction in the district where said real estate is situated. An appeal may be taken from the decree of the mayor in the same manner and form as is prescribed from assessments for state and county taxes under the general laws of this state. Upon obtaining judgment in any of said causes, the city tax collector shall advertise the property so decreed to be sold, for three successive weeks in some newspaper published in said city, giving a description of said property, the amount of the judgment against the same, the ownership thereof, as shown by the court docket, and the time and place where he will offer the same for sale, and on the day advertised at the place mentioned in said notice, being some place in said city within legal hours of sale, he shall offer said property for sale, to the highest bidder for cash, and may continue said sale from day to day, or adjourn the sale of one or more pieces of the property for want of bidders from time to time, not longer than ten days at one time, and may give notice of such adjournment by a foot-note to the original advertisement. The mayor and city council may purchase at any sale any piece of property for which there is no bidder, equal to the amount of said judgment, or may withdraw from sale any piece for which there is not a bid equal to said amount. When any piece of property so offered for sale is bid off by any person, the city tax collector shall give to such purchaser a certificate stating the fact of his purchase and the price, the amount and nature of judgment for which the property was sold, which certifi-

## Tax sale

cate shall be transferable by indorsement and if said property is not redeemed by the end of two years from date of sale the city tax collector shall execute a deed to the holder of the certificate conveying the property sold, which deed shall be acknowledged by the said collector before any competent officer, and upon being duly recorded as required by law shall vest in the grantee all the right, title, interest, claim and demand which the owner of the property conveyed had in the same. A deed made and recorded as provided in this section shall when offered in evidence in any court in this state, be *prima facie* evidence that every requirement for a legal sale under this act has been fully complied with. If for irregularity in the proceedings or for other cause a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such sale, his heirs or assignees, then the holder of the certificate of purchase or deed as the case may be, shall have the lien of the said mayor and city council on the land named therein for the amount of taxes, interest and cost, for which said land may have been sold, and shall also be a lien upon said land for interest upon same, and for taxes paid thereon by any holder of said deed or certificate, after the time of such sale, and such lien may be enforced by new proceeding before the mayor in the name of the mayor and city council, upon indemnity being given for costs or by proceedings in chancery, in the name of the person having the beneficial interest in said deed or certificate. The owner or mortgagee of any interest in said property whether in possession, reversion or remainder may at any time before the execution of the deed provided for in this act, redeem any property so sold by paying to the tax collector the amount for which said property was sold, with ten per cent. damages thereon, and interest on the whole at eight per cent. per annum, and said collector shall give to the person so redeeming a certificate of redemption which if held by a mortgagee or any other person in interest shall be a lien on said land for the amount paid to redeem any interest thereon, and subsequent taxes paid by such redeeming party, and the said collector shall pay over the redemp-

Tax sale

Right to redeem

tion money to the holder of the certificate of purchase upon the same being presented to him. The mayor shall tax as costs against the property ordered to be sold by him, fees for giving notice, and for the trial and rendition of judgment, and for making a certificate of purchase, and the execution of a deed, as the mayor and city council may prescribe, not exceeding ten dollars in any case, which shall be paid into the treasury of the city. The certificate of purchase under this act shall authorize the purchaser, or his assignee, to maintain ejectment for the possession of premises sold, against the former owner, if the sale was made as required by this act, and in addition to the rights of redemption secured by this act, the owner or mortgagee of any interest in the property whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in this section above provided for, at any time within two years from the time the purchaser enters upon, or brings suit for the possession of the property, and if such owner or mortgagee is an infant, or a person *non compos mentis*, he shall be allowed two years after the removal of such disability in which to redeem.

Duties and  
powers of  
mayor

SEC. 19. *Be it further enacted*, That the mayor shall act as the judge of the mayor's court, and shall have power to try and punish all offenses against the ordinances of said city, by fine not exceeding fifty dollars, and imprisonment, or hard labor on the streets or public works not exceeding three months, and as judge of said court he shall have exclusive power to pardon and release persons convicted by him, under city ordinance. The mayor, or mayor *pro tem*, shall have power to punish for contempt of court to the same extent that a justice of the peace may. Said mayor shall have power to examine and commit, or to discharge, or admit to bail any person charged with any criminal offense, and he shall have authority of the justice of the peace in all criminal matters arising within the corporate limits of the city of Jacksonville.

SEC. 20. *Be it further enacted*, That when parties tried before the mayor, or mayor *pro tempore* of said city, are dissatisfied with any judgment rendered by said mayor, or mayor *pro tempore*, he or they may



forthwith appeal to the circuit court of Calhoun county by giving bond with two sufficient securities to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect and to satisfy such judgment as the circuit court may render in the premises, but unless such appeal bond be given in five days from the date of said judgment or decision, then no appeal shall be allowed from the same. The proceedings on such appeal shall be in all respects such as are, or may be prescribed by law in cases of appeal from justices of the peace, in civil cases, except as changed by this act; *Provided*, that in case of conviction before the mayor for offenses against the corporation, the parties so convicted, shall at the time of his conviction, claim or demand an appeal, which shall be noted by the mayor, or acting mayor upon his docket, and such party shall then have five days within which to prepare his appeal, by giving bond as required, and it shall be the duty of the mayor to suspend his sentence until the expiration of said five days if said defendant fail to appear in said circuit court, and the case is called for trial, the judgment of the mayor or mayor *pro tem* shall be affirmed by said appellate court, and judgment shall be rendered against the defendant and the sureties on his appeal bond, for the amount of the fine imposed by the mayor's court, and the costs of the appeal, unless good cause is shown the court for his absence or default, and in case the defendant appears, and judgment is rendered by said court for money, the court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs, and if the judgment of said appellate court be that the defendant be imprisoned, or put to hard labor for the city, then the court shall render judgment against the defendant and his sureties on the appeal bond for the costs of the trial in the mayor's court, and remand the defendant to the city authorities for punishment. In case of the death of the party appealing, the action may be revived by or against his personal representatives in all cases where the cause of action may be properly revived. From the judgment of said circuit court the mayor and city council may appeal to the supreme court of the

Appeal

state. All cases appealed from the mayor's court shall be placed on the criminal docket of said circuit court to be tried and disposed of as other cases on said docket.

Recorder SEC. 21. *Be it further enacted*, That the mayor and city council are hereby empowered and authorized to elect a recorder of said city at any time they may deem such officer necessary, and when so elected and qualified by such oath as may be prescribed by the mayor and city council, he shall exercise all the judicial functions and powers conferred by this act upon the mayor, and shall hold office for a term of one year. He may be removed by the mayor and city council for good cause shown. The salary of such recorder shall be fixed by the mayor and city council, and shall not be changed during his term of office, and in his absence the mayor shall preside over the mayor's court.

May establish wards SEC. 22. *Be it further enacted*, That the mayor and city council be and they are hereby authorized and empowered, whenever in their judgment the good of the city demands it, to divide the city of Jacksonville into four wards, or more than four, and shall define the boundaries of each ward, and may establish voting precincts in each ward so laid off by them. Upon the establishment of wards in said city, there shall be at least two councilmen elected from each ward so established by the qualified voters of each of said wards.

This is a public act, etc SEC. 23. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all courts of law or equity, and all ordinances, resolutions and proceedings of the city council may be proved by the seal of the corporation, attested by the city clerk, and when printed and purported to be published by authority of the corporation, the same shall be received in evidence in all the courts and places in this state without further proof.

Official bond SEC. 24. *Be it further enacted*. That the clerk, treasurer, tax assessor, chief of police and all other officers of said corporation may be required by the mayor and city council, before entering upon the discharge of their duties, to give bond and sufficient sureties to be approved by the said mayor and city council, with condition to discharge faithfully all the duties of such office; on which bond suit and recovery may be had be-

fore the circuit court of Calhoun county, or any court having jurisdiction, in the name of the mayor and city council, for the use of the corporation, or for the use and benefit of the person injured, and said bond shall remain for the breaches of its conditions, till actions thereon are barred by the general statutes.

SEC. 25. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 9, 1891.

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AN ACT

[H. 165

For the relief of James P. Steely, Mary Steely, Roland Wood and Elizabeth Russell, Jane McGuinn and Samuel Summers, of Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county commissioners of Jackson county be and they are hereby authorized to annually appropriate out of the funds of said county a sum of money for the support of the following named persons, to-wit: James P. Steely, Mary Steely, Roland Wood, Jane McGuinn and Samuel Summers; such sum so appropriated for each of said persons to be equal to the amount allowed for keeping inmates of the county poorhouse, and to be expended for their benefit respectively, without requiring them to become inmates of the county poorhouse. Relief

SEC. 2. *Be it further enacted*, That the board of county commissioners shall appoint some suitable and reliable person for each of the persons named in this act to receive and receipt for the amount paid to each person herein named, and to disburse the same for them, they being allowed to nominate the person so appointed by the board of county commissioners.

Approved February 10, 1891.

To incorporate the Fayette Alliance Union, at Fayette,  
Fayette county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. B. Collins, A. J. Renfro, John M. Davis, J. S. Hollis, Willis B. Melton, William F. Baker, John F. Gerby, George S. Harris, William Newman, R. Allen Smith and George Horn, and their associates and successors in office be, and they are hereby declared and created a body corporate, under the constitution and laws of Alabama, by the name and style of The Fayette Alliance Union, and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in any courts of law or equity, may have and use a common seal, and may own and hold by purchase, loan, gift, devise or bequest, ann and all property, real or personal and mixed, and may encumber, sell or otherwise dispose of the same.

Name, rights  
etc

Objects

SEC. 2. *Be it further enacted*, That the objects of this Union are to foster and promote improvements, in all the various departments of agriculture, horticulture, stock raising, domestic industries and all kindred enterprises, and to contribute towards educational, social and moral advancements, and for said purpose to hold fairs, exhibitions and other public exercises.

Domicile

SEC. 3. *Be it further enacted*, That the domicile of said Union is fixed in the county of Fayette, upon the grounds known as the Alliance Union Park, situated near the town of Fayette.

Powers of  
Union

SEC. 4. *Be it further enacted*, That the Alliance Union shall have power to determine the time and manner of calling and conducting meetings, fairs, exhibitions and all proceedings and exercises, relating to the organization, business and objects of the Union; to determine the time, place and manner of holding and conducting the election of officers of the Union; to prescribe and regulate the terms, duties and salaries of officers, and to make all by-laws, rules and regulations not inconsistent with the constitution and laws of this state, which the Union may deem necessary or expedient for the preservation of the peace, good order,

health and comfort of persons attending the fairs, exhibitions and other public meetings of the Union.

SEC. 5. *Be it further enacted*, That the Union shall have power upon the lands set apart for holding fairs, exhibitions and other public meetings, to own, operate, rent, license, tax and regulate hotels, restaurants and booths for the sale of food, ice cream, lemonade, soda-water, confectioneries, cigars, tobacco and all other refreshments, except vinous, spirituous and malt liquors; to own, operate, rent, license, tax and regulate feed and livery stables and stalls, and the selling of food for animals; to license, tax, regulate, prohibit and suppress hawking and peddling, shows, games and all other occupations and amusements carried on for gain to prohibit and suppress games of chance and all other, games, devices, practices and occupations which incites or tend to incite to betting or rude immoral conduct; to prevent obstructions of the public highways passing over or near the grounds of the Union, and to prohibit hawking and peddling on said highways during the fairs, exhibitions and other public meetings; to license, tax and regulate vehicles and animals engaged in carrying passengers, baggage or freight to and fro, between the grounds of the Union and the railroad depots, and to make such regulations as the Union may deem proper for carrying such passengers, baggage and freight; to charge and collect gate fees, and fees for the entry of animals and articles of every kind, intended for exhibitions, and to make regulations for awarding prizes to competitors.

SEC. 6. *Be it further enacted*, That the officers of the union shall be a president, vice-president and seven directors, a secretary and treasurer, to be elected by ballot, and the union may provide for the election or appointment of such other officers as may be necessary or expedient. Officers

SEC. 7. *Be it further enacted*, That the president and directors shall have power to appoint one or more persons to act as marshal at fairs, exhibitions and other public meetings, and the person or persons so appointed, shall have, and exercise all the powers of constables, in relation to order and the public peace, during any such fair, exhibition or other public meeting, and no longer. Marshals

Capital stock SEC. 8. *Be it further enacted*, That the union shall have the power to organize and operate a joint stock company, with a capital stock limited to twenty-five thousand dollars, divided into shares of ten dollars each. The certificates of stock shall be signed by the president and secretary. No certificate shall be issued until the full amount be paid thereon; no stockholder shall be individually liable for the debts of the union.

Liquor prohibition SEC. 9. *Be it further enacted*, That any person who shall sell, or give away any vinous, or spirituous or malt liquors, within one mile of the grounds of the union, set apart for the holding of fairs, exhibitions and public meetings during the time that such fair, exhibition, or other public meetings, is being held shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars; *Provided*, That any physician may prescribe or administer any such liquors in case of sickness when necessary for medicine.

Penalty

SEC. 10. *Be it further enacted*, That this act take effect and be in force from, and after its passage.

Approved February 10, 1891.

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AN ACT

[s. 247

To incorporate the Cotton States Telephone and Telegraph Company.

Corporators SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Joseph F. Johnston, L. W. Grant, S. D. G. Brothers, and W. R. Kirk of the State of Alabama, and such other persons as shall hereafter become associated with them, and their successors and assigns, be, and they are hereby constituted a body corporate and politic, with perpetual succession, under the name and style of the Cotton States Telephone and Telegraph Company, and by that name, or by such other name as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, plead and be impleaded, contract and be contracted with, make a common seal, and the same to break, alter and

Name, rights  
etc



renew at pleasure; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire, by gift, devise, donation, or purchase for investment or development; to own stock or shares in any other corporation; to have and enjoy, and to secure their franchises within any other state that may authorize, and to make rules, regulations and by-laws for the management and direction of the affairs of such corporation, not contrary to the laws of this state, or the United States, and generally, to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the full carrying out of the objects and purposes of this company.

SEC. 2. *Be it further enacted*, That the said company is hereby authorized and empowered to locate, construct, establish and thereafter maintain and operate, lines of telegraph, telephone and electric light wires throughout the state, and to establish telephone exchanges, and to charge for sending messages over its wires, either spoken or to be reduced to writing and delivered by messengers; to rent telephones to subscribers for use on telephone exchanges, or for private use; to purchase, rent or lease from other companies, telephone or telegraph lines and to rent, lease, sell or convey to other companies for telephone, telegraph or other purposes, lines established, located or constructed by this company.

Authority to  
locate lines,  
etc

SEC. 3. *Be it further enacted*, That said company, for the purpose of constructing, locating and establishing its lines of telegraph, telephone or electric lights throughout the State of Alabama, is hereby authorized to acquire the necessary right-of-way upon which to erect its poles and place its wires over, across, or along any railroad, public road or other road on, along, through or across the streets of any city, town or village, or the lands of any person or corporation, upon obtaining the consent of the authorities of said city, town or village, and upon payment of just compensation for any land or property taken from individuals, to be determined by the general laws of the state upon the subject of condemning lands for public use.

Right-of-  
way

Capital stock SEC. 4. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars (\$100,000.00), divided into one thousand shares of the par value of one hundred dollars (\$100.00) each, with the privilege of increasing said capital stock to ten hundred thousand dollars, whenever in the judgment of the stockholders it may be necessary or desirable. Said capital stock shall be deemed personal property, and may be transferred in such manner, and in such places as the by-laws of the said company shall direct.

Directors SEC. 5. *Be it further enacted*, That the corporate powers of said company shall be vested in a board of directors, of not less than three nor more than eleven members to be elected as hereinafter provided for and such other officers and agents as said directors shall appoint or authorize.

Subscriptions to stock SEC. 6. *Be it further enacted*, That subscriptions to the capital stock of this company shall be taken, payable in money or its equivalent in labor or property or the stock of other companies.

Organization SEC. 7. *Be it further enacted*, That when five thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, and one thousand dollars should have been paid in, in cash, the board of incorporators, or a majority of them shall call the subscribers together, by notice given in such manner as they may direct, for the purpose of organization, and the majority of the stock so subscribed being present at such meeting, either in person or by proxy, they shall proceed to the organization of the company by the election from among the stockholders themselves, by a majority of the stock represented, not less than three nor more than eleven directors to manage the affairs and business of the company, for the ensuing year, or until their successors are duly elected and qualified; said successors to be elected in the same manner. The directors then elected shall elect from their number a president, who shall also be the president and executive officer of said company, a vice president, and such person or persons as they may see fit, for secretary and treasurer, to serve for such period and under such conditions as the by-laws may direct.

SEC. 8. *Be it further enacted*, That upon the organization of the company the board of incorporators shall turn over to the board of directors all money or other property received by them on subscriptions, together with all bonds, lists, notes, obligations, papers and records, taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations, money and property shall be the property of the company, and all obligations incurred shall be as binding upon the company as if taken and made by it. Said board of directors shall also have power to require to be paid the sums subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such installments, the shares of such delinquent may be sold at public auction, under such rules and upon such notices, as the directors may previously prescribe, and the surplus, if any, from the proceeds of such sale, after the payment of the balance due for such shares, shall be paid to such stockholder; but nothing herein contained shall prevent said company from collecting by proper proceedings at law, the amount due on any subscription.

Board of directors to have assets, etc

SEC. 9. *Be it further enacted*, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or other evidences of debt, and by a vote of the majority of its stockholders, had at a meeting called for the purpose, in such manner as required by law, may secure the payment of notes, bonds or other evidences of debt, by a mortgage or deed of trust upon its franchises and any and all of its property, both real and personal.

May borrow money, etc

SEC. 10. *Be it further enacted*, That said company may acquire the stock, or property, or franchises of any other companies in the same line of business by issuing its stock or bonds therefor, on such terms as its board of directors may think best; *Provided*, that it shall not acquire by purchase or otherwise the stock property by franchise of any competing telegraph line.

May acquire stock, etc. in other companies

Approved February 10, 1891.

To amend section 4648 of the Code.

State and  
county con-  
victs

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4648 of the code of Alabama be amended so as to read as follows : 4648, *Not less than fifty hired to one person ; how governed ; misdemeanor.*—Not less than fifty state or county convicts shall be hired to one person, or kept at one prison, and none of those hired to any person must be related to him by consanguinity or affinity, and they shall be governed, worked and guarded as prescribed by the rules and regulations for working penitentiary convicts outside the walls. The violation of this section is a misdemeanor, punishable on conviction by a fine not exceeding one thousand dollars, and hard labor not exceeding twelve months ; *Provided*, that when convicts are worked in the county where convicted, less than fifty may be worked at one place ; *Provided further*, that where convicts are worked at a coal mine, not less than one hundred shall be kept at one prison, or worked at one place.

Approved February 10, 1891.

To incorporate the city of Ashville, in St. Clair county, Alabama.

Name, rights,  
etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Ashville, in St. Clair county, be and they are hereby constituted a body politic and corporate by the name of the "City of Ashville," and by that name may sue and be sued, plead and be impleaded, in any of the courts of this state or of the United States, and to do all acts and things as natural persons may do under the laws of this state, may acquire, purchase, hold and dispose of real, personal and mixed property for the benefit of said city, may have and use a common seal, which may be broken, altered or changed at pleasure.

SEC. 2 *Be it further enacted*, That the corporate limits of said city of Ashville, shall be as follows : Beginning at the east end of the trestle of the Tennessee River, Ashville and Coosa Railroad, near the residence of John A. Nelson, on east side of Big Canon creek in section seven, township fourteen of range four east, in St Clair county, Alabama. thence in a northeast direction about two hundred yards to the Cobb Spring branch, thence down and with said spring branch three hundred yards, thence due east about four hundred yards, to the Greene Spring branch, thence down said Greene Spring branch to where the same intersects the east and west line running through the center of section five in said township and range; thence east along and with said line to the eastern boundary of said section five; thence south to the southeast corner of the N. E.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  of section eight in said township and range; thence west to the southwest corner of N. W.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  of said section eight; thence south to the southeast corner of the N. E.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$  of said section eight, thence west to the southwest corner of the northeast quarter of the southeast quarter of section seven in said township and range; thence north to the southeast corner of the S. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of said section seven, thence west to the centre of said section seven; thence north to Canoe creek; thence in a northeasterly direction to the beginning point on said railroad; that the corporate authorities hereinafter provided for may divide said city into four wards, and alter or change the same as the authorities see fit and proper, said alterations and changes being always made so as to apportion representatives as near as may be to the popular vote.

SEC. 3. *Be it further enacted*, That the government of said city shall consist of and its corporate powers be exercised by a mayor and four aldermen, one alderman from each ward, who shall be elected on the first Tuesday in January, 1892, and annually on the first Tuesday in January thereafter by ballot by the male inhabitants of said city of and over 21 years of age who have resided in the state twelve months, in the county three months, in the city 30 days,

## Elections

and in the ward ten days next preceding said election, and are qualified electors under the general election laws of Alabama. That should the election not occur on the day fixed for the annual election of mayor and aldermen, the corporation shall not for that reason be dissolved, but the incumbents shall remain until their successors are duly elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day, as early as convenient, within one month thereafter, on which day said election shall be held, and should the mayor and aldermen fail to provide for the election annually, they shall be guilty of a misdemeanor. The officers elected shall hold their offices until their successors are duly elected and qualified. That the present officers of said city shall hold their offices until their successors are elected and qualified.

SEC. 4. *Be it further enacted*, That the mayor and aldermen of said city, shall designate the place of holding said election; shall appoint three managers of elections who shall be legal voters of said city; shall prescribe the manner of holding said elections and ascertain and declare who are elected; in case of a tie between any two or more candidates for the same office, the mayor and aldermen shall elect between such candidates, and decide who shall fill the office in question, and vacancies in any of the city offices shall be filled forthwith by the mayor and aldermen. The mayor and aldermen may appoint more polling places than one, but not to exceed more than one in each ward, and shall appoint three managers at each of such polling places.

SEC. 5. *Be it further enacted*, That the ballots cast at any election under this act shall, after the counting of the same, be sealed up and kept by one of the managers of said election for twenty days after the results of said election shall be declared; then if there is no contest, the same shall be destroyed but in the event of a contest the same shall be delivered to the clerk of the court trying said contest. That any election under this act may be contested in same manner as is now, or may hereafter be provided by the laws of this state for the contest of elections of judge of probate so far as the same will apply to contests under this act.



SEC. 6. *Be it further enacted*, That no person shall hold the office of mayor or alderman of said city who has not resided therein one year next preceding the election, and the alderman must be a resident of the ward and a qualified voter therein for which he is elected at the time of his election.

Qualifications  
of mayor  
and alder-  
men

SEC. 7. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at their regular place of meeting, adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the board may prescribe; that the board may prescribe its rules of procedure, fine its members for absence or disorderly behavior, and fill all vacancies that may occur by death or otherwise. In the mayor's absence at any meeting of the board, the members present may select a presiding officer, and in case of the mayor's sickness or his temporary absence from the city, or his incompetency, by reason of interest or heirship, or other inability to discharge the duties of his office, he may appoint any alderman to act as mayor in his stead, and such mayor *pro tempore* shall have all the powers of the mayor and shall perform all his duties.

Quorum

May pre-  
scribe rules

Mayor pro  
tem

SEC. 8. *Be it further enacted*, That it shall be the mayor's duty to preside and keep order at the meeting of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; he shall keep his office in said city, and hear and determine all cases of violation of all by-laws or ordinance or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe; and he shall possess within the corporate limits of said city all the power and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, That he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not already come before him as mayor of said city. From any judgment or de-

Duties of  
mayor

## Appeal

cision of said mayor as such, an appeal may be taken by the defendant to the next term of the circuit court St Clair county, Alabama, upon defendant entering into bond with good and sufficient security, to appear at the term of court to which the appeal is taken, and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him; the bond to be payable to the city of Ashville in such penalty as the mayor may prescribe and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted, the court or the jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him, and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinances of said city upon conviction before the mayor. In case defendant do not appear at the trial, but makes default, his bond shall be declared forfeited and judgment shall be rendered thereon against defendant and his sureties as in state cases except that the judgment shall be in favor of the city of Ashville; *Provided*, That such an appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried *de novo* and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion *scire facias*, or other writs instituted for the collection of any fund or bond payable to the city of Ashville, taken under this act or under the ordinance of said city passed in pursuance of this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as execution from justice court; said mayor shall have the right, when the good or safety of the city may require it, to demand the aid of the sheriff of St. Clair county for the protection of said city; he may punish any contempt while holding his court, or while the board is in session, by fine not exceeding twenty-five dollars and by imprisonment for not longer than ten days one or both; he shall at least once in every four months

Jurisdiction  
of mayor

make a written statement to the board of the financial condition of the city, which statement shall be published in at least one of the papers published in the city; he shall have the power to suspend the marshal or any policeman, until the next regular meeting of the board, and report to said meeting the facts of such suspension and its cause, and he shall do and perform such other and further duties as the board may require, and he may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with subpoena.

SEC. 9. *Be it further enacted*, That the board may appoint a city marshal, clerk and treasurer of said city, and such officers as they may see fit, and think necessary for the good government of said city, and prescribe the duties of such officers and their liabilities and powers; and may require them to give bond in such sum as they see fit, for the faithful discharge of their duties, and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bond of such officers, suit may be brought and recovery had before any court having jurisdiction, and such suit shall be governed in same manner as other like suits. The city council shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor, or acting mayor, and the same shall be of the force and effect of a record and a copy thereof duly certified by the clerk shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection.

SEC. 10. *Be it further enacted*, That the marshal shall have in said city all the powers of a constable, and shall be entitled to all the fees of such officer. He shall possess in said city all the powers of a peace officer. He shall execute the orders, notices and process of the board and of the mayor, and may arrest without warrant for all violation of city ordinances committed in his presence, but for all other violations of said ordinances arrest must be made with warrant.

He shall perform such other and further duties as the board may prescribe.

Powers of  
mayor and  
aldermen

SEC. 11. *Be it further enacted*, That the mayor and aldermen of said city shall have full and complete powers: 1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said city, as they may think proper, and generally and in addition to the powers specifically enumerated, which are no limitations upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of the state, as shall be needful for the government, police, interest, welfare and good order of said city; and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said city, failing to pay or secure such fine, may be imprisoned for such failure or placed at hard labor for the city until such fine and costs are paid, in such manner as the board by direct, not longer than thirty days; *Provided*, that any person shall have the right to stay-bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same; but if after such bond and security such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on streets or elsewhere in the city, who refuse to work when under the mayor's sentence for violating any city ordinance; but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious and infectious diseases into said city and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof, and punish any breach of quarantine law. 3. To prevent and remove all nuisances at the expense of the person causing the same, or on whose premises the same may be found; to remove all de-

cayed and dilapidated houses and structures calculated to produce disease or dangerous or unfit for habitation, at the expense of owner of the same, when they fail or refuse to remove or renovate and repair such houses and structures. 4. To establish, set up and regulate hospitals, workhouses and houses of correction. 5. To license, tax, regulate or restrain theatrical and other amusements; and may also license, tax, regulate or restrain the selling, retailing or giving away vinous, spirituous or malt liquors or intoxicating beverages within the limits of said corporation; *Provided*, That the license for retailing vinous, spirituous or malt liquors or intoxicating beverages within said city shall not be less than one thousand dollars *per annum*, which sum for such license must be paid into the treasury of said city of Ashville before any license is issued for such purpose; *Provided further*, that any one obtaining such license before being authorized to sell, vinous, spirituous or malt liquors or intoxicating beverages, shall obtain a license from the State of Alabama as provided by law in such cases; *Provided further*, that before any one shall be authorized to wholesale vinous, spirituous, or malt liquors or intoxicating beverages within said corporation, he shall be required to pay into the treasury of said corporation, one thousand dollars and otherwise comply with the laws of said state in reference to persons engaged in wholesaling vinous, spirituous, or malt liquors, or intoxicating beverages in this state. That any person dealing in said articles who shall sell, barter, exchange or in any way dispose of, or permit to be taken, spirituous, vinous or malt liquors, or intoxicating beverages, in any quantity less than one quart, or who shall permit the same to be drunk by the glass or single drink, in or about his place of business, shall be deemed a retail dealer, and any dealer disposing of spirituous, vinous or malt liquors, or intoxicating beverages, only in the quantity of one quart or more shall be deemed a wholesale dealer; *And provided further*, That the provisions of this subdivision conferring authority on the corporate authorities of said city of Ashville, to sell vinous, spirituous or malt liquors, or intoxicating beverages shall cease, determine and be of no effect as laws on and after the

Liquor li-  
cense

Prohibition  
after January  
1, 1893

## Powers

first day of January, 1893, and thereafter it shall be unlawful for any person to sell, give away, or otherwise dispose of, within said corporate limits any vinous, spirituous, or malt liquors, or intoxicating beverages in any quantity whatever. 6. To restrain or prohibit gambling, gaming houses or houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, and anything else hurtful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Ashville, or made or kept or found there, to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police, patrol and captain thereof. 8. To divide the city into wards, and to regulate and change the same. 9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables, and other like articles within certain places, and within certain hours. 10. To sink, repair and regulate public wells, and cisterns, to establish and regulate fire plugs, and public hydrants, and to make all needful provisions to supply the city with water, gas and gas lights, and electric lights and to control street lamps. 11. To open, locate, repair and regulate and to establish alleys and streets, and to change, alter, abolish and vacate them, or any part or parts thereof, to establish avenues, pavements, sidewalks, and curb, and grade them and regulate the same, and all the salutary by-laws respecting the use of the streets. 12. To establish and build drains, and sewers, aqueducts, and reservoirs and to regulate the same; and to compel owners of lots or real property to drain the same and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails, or refuses, after five days' notice, to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which said tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the city limits when necessary. 13. To



establish, lay out, regulate and locate public parks.

14. To establish and regulate or change fire limits Powers

within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor. To require all owners of theatres, opera houses, and all other houses where the public assemble in mass, to provide said houses with fire escapes and suitable exits.

15. To lay out, regulate and control, city cemetery, burial grounds, and to sell burial lots in same. 16. To

prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals, and to pass all laws in the judgment of the board, necessary for the sale and impounding of said animals, on proper notice to owners thereof. 17. To regulate and control run-

ning of cars on or across streets, avenues, or alleys, of said city and to control the speed of such cars and locomotives in said city. 18. To pass all necessary

and proper laws for the arrest with and without a warrant, of all offenders against the city ordinances or state laws, and to confine such persons until tried, convicted or discharged by law. 19. To pass all laws and

ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same and to regulate pawn-brokers. 20. To make and

ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious habits,

and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the city for a limited time, not exceeding thirty days. 21. To punish all persons who ob-

struct the marshal, or other officer, in the arrest of any person in said city, or in the lawful discharge of any duty in said city; and to punish all persons, who, when called upon to aid in arresting any person fails or refuses to give such aid. 22. Said board may establish

necessary inspection, fix and regulate the assize of bread, and to provide for the weighing and measuring of all kinds of produce for man or beasts, and regulate

## Powers

the same. 23. To regulate and control the manner of building partition walls and fences; to regulate the keeping and storage of gunpowder or other dangerous material, guano or other commercial fertilizer, within said city; to regulate and control the sweeping of chimneys, the use of lights, stove-pipes and flues, in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire and to extinguish the same. 24. To require property owners to keep sidewalks in front of their property in good order, and to pave the same when the board shall so order; to repair, keep in good order, and pave sidewalks in front of such property whose owners shall after being so ordered, fail or refuse to repair, keep in good order or pave said sidewalks, for five days after notice, and to tax same against such property, which tax shall have the lien of and be enforced and collected as other taxes. 25. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares to supply the city, with pure water, and for all other public municipal purposes proper on making just compensation to owners of lands condemned, and the general laws of the state applicable to ad quod damnum suits and proceedings shall apply in all such cases. To build drains and sewers, and to supply the city with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary. 26. To have and exercise full police power in said city, to prevent crime and arrest offenders, to protect the rights of persons and property, to preserve the public peace, and for this purpose may command the aid and assistance of the sheriff of St. Clair county, and all voluntary military companies in said city, whenever the mayor or the board may deem the same necessary. 27. To grant the right-of-way through the streets, avenues and squares of said city, for the purpose of streets or other railroads, telegraph, telephones and electric light companies, and for laying pipes of gas and water companies. 28. To punish injuries to streets, sidewalks and trees, and to private and city property.

SEC. 12. *Be it further enacted*, That this act is

declared to be a public act, and may be read in evidence in all courts of law and equity and all ordinances, resolutions and proceedings of the city may be proved by the seal of the corporation, attested by the city clerk, and when printed, purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

This is a public act

SEC. 13. *Be it further enacted*, That the mayor and alderman of Ashville shall have authority to license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee-houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery-stable keepers, and all other privileges, and also to license, tax and regulate machinery, carriages, carts, omnibuses, wagons, drays and all other vehicles.

Authority to license, tax, etc

SEC. 14. *Be it further enacted*, That said city council have authority to levy and collect from all persons, firms or corporations, trading or carrying on any business, trade or profession by agent or otherwise in said corporate limits, a license tax which shall be fixed and declared by ordinance, and the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation; *Provided*, That not more than one license tax under this act shall be assessed against or collected from parties trading or doing business under a firm name; *Provided further*, That no license shall be exacted from any mechanic who employs no capital but conducts his trade solely by his own skill and attention without the aid of employees. The corporate authorities may also by ordinance impose such fines and penalties within the limitation of this act as they may deem advisable for the doing of any business, or carrying on any trade or exercising any privilege, or practicing any profession, by any party who shall fail to take out such license as may be imposed by the corporate authorities.

Authority to collect tax

SEC. 15. *Be it further enacted*, That the corporate authorities of the city of Ashville, may levy and collect each year upon all real and personal property, and all subjects of state taxation within said city, except

Rate of tax

Rate of tax

the subjects enumerated in section 454, of the code of Alabama, and except the tax levied on polls, a tax not exceeding one-half of one per cent. of the value of such property or subjects of taxation as assessed for state taxation during the year preceding that for which the corporate authorities may assess and levy the tax above provided for, and there shall be no exemption from such taxation; *Provided*, That personal property and subjects of taxation not in said city on the first day of January, 1890, or any subsequent year, shall be assessed and taxed *pro rata* for the remainder of said year from the date it may be brought into said city; *And provided further*, that in case any property has escaped taxation in previous years, the clerk or tax assessor shall assess the same, to be collected as other taxes are collected; *And provided further*, that if there was any property in the city on the first day of January of the then current year, which was not in the city on the first day of January of the preceding year, or if there were any improvements on the first day of January of the then current year, erected on property materially enhancing the value of such property, which said improvements had not been erected on the first day of January of the preceding year, and consequently not assessed for state taxation the preceding year, then it shall be lawful for the city clerk, or city tax assessor, and it shall be his duty to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for state taxes for the preceding year, and the taxes so assessed shall be collected as other assessments are collected. All property used exclusively for charitable, educational and religious purposes or either of them, shall be exempt from taxation by said city.

Assessing  
taxes

SEC. 16. *Be it further enacted*, That the taxable property of each taxpayer, and the subjects of taxation on which he is taxable, and the amount of value of each item thereof, as valued by the assessor of St. Clair county, for the preceding year mentioned in section fourteen, shall be ascertained and fixed by the aforesaid tax assessors books of such year, made by him according to law, and any supplemental assess-

ment that may have been made by him for such year, all corrected according to the laws of Alabama.

SEC. 17. *Be it further enacted*, That the corporate authorities shall cause a copy of such tax assessor's books, corrected as aforesaid, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act; but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be corrected as to show the true owner at the beginning of the year for which the tax provided for in this act is to be laid, and so as to show against whom the tax on each is laid; if the property has since such assessment been destroyed or greatly damaged by fire, or other cause, this shall also be rated, with the estimated amount of damage.

Tax assessor's book

SEC. 18. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of the city of Ashville, where it shall remain for twenty days, open to public inspection, and notice of the fact shall be immediately given by said clerk by publication of a notice to such effect for ten consecutive days in some newspaper published in Ashville. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall within twenty days file with the clerk his affidavit to that effect, and if he knows the owner, shall state who it is, or that he does not know. Any taxpayer may file objections as to the correctness of said book as a copy of the aforesaid book of the tax assessor of St. Clair county, stating wherein said copy does him injury. Upon notice by the clerk that these objections have been filed, said mayor and aldermen shall meet and determine all objections and correct said book accordingly, and their decision on such objections and as to all corrections to be made, shall be final. Said mayor and aldermen shall continue its session from day to day until all objections filed are disposed of, and no longer.

Objections to assessment

SEC. 19 *Be it further enacted*, That a majority of

Levying of tax the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days said board shall lay and levy for the current year the tax authorized by this act, on all the property and subjects of taxation so listed and valued in the book heretofore mentioned corrected as aforesaid.

Lien on property for taxes SEC. 20. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the city of Ashville shall have a preferred lien over all encumbrance and securities whatsoever, except county and state taxes, and all taxes against the property of any persons under this act or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such person within said city of Ashville from the first day of January of that year, or if brought in there after that time, the lien shall attach from the time it is brought into said city.

Mayor's warrant for collection SEC. 21. *Be it further enacted*, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the city of Ashville, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper in Ashville, or by posting the same in three public places in said city, that he is ready to receive payment of taxes. Taxes not appearing in said book, but authorized by this act, will be collected on the warrant of the mayor directed to the tax collector commanding and authorizing him to collect said taxes.

Duties of collector SEC. 22. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice, the city tax collector shall make personal demand on delinquents wherever they may be found, for their taxes and costs, and whenever unable to find them shall leave a written or printed notice at the



place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquent forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said city.

SEC. 23. *Be it further enacted*, That the collector of taxes shall be charged with, and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

Liability of  
collector

SEC. 24. *Be it further enacted*, That all taxes laid under this act, which are not at the end of ninety days from the first publication of the notice required in this act paid, shall be in arrears and delinquent from that date, and after the expiration of said ninety days as aforesaid, the tax collector may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then upon the real estate of such delinquent tax payers; *Provided*, That a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of such delinquent tax payer for taxes and costs of sale, and no personal property sold for taxes shall be subject to redemption, and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

Delinquent  
taxes

SEC. 25. *Be it further enacted*, That it shall be the duty of the tax collector, whenever upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the city, and thereby the collection of such taxes is in danger, to make out and certify to the mayor of the city a bill against such person for the amount of such taxes and fees due thereon, and upon the approval thereof by the mayor in writing endorsed thereon, such writs shall operate as a writ of  *fieri facias*, which the collector is authorized to execute by levy and sale in same manner as

When prop-  
erty is abo-  
to be remo-  
ed from c

sheriffs are authorized to execute such writs when issued out of the circuit court, and on the failure of the collector to act in the cases provided for in this section, he shall be liable for the taxes against such person.

Tax sales

SEC. 26. *Be it further enacted*, That when real estate is levied on for taxes, notice of the sale shall be given ten days before the sale in some newspaper published in Ashville, and the land so levied on must be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale of such property shall take place in front of the postoffice in Ashville, commencing on the day indicated in the notice, and continuing from day to day until completed.

Duties of collector at sales

SEC. 27. *Be it further enacted*, That at all sales by the tax collector of property for taxes he shall attend and bid off for the city of Ashville as purchaser, all the lots and lands on which the tax collector can not get a bid from other persons for the taxes and expenses of sale, and the city of Ashville shall have a certificate of purchase, and be invested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: "I, ———, tax collector of the city of Ashville, do hereby certify that the city taxes for the year 18—, or the particular tax (or assesment as the case may be) amounting in all to \$——, being due and unpaid by A. B., the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.) and for the collection of costs of levy and sale, to (C. D.,) who has paid the amount of taxes due as above, the following piece, parcel or lot of land in the city of Ashville, and bounded and described as follows (insert description). By virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this the — day of ———, 18—. ———, Tax Collector." Said certificate shall be *prima facie* evidence of the regularity of all the previous proceedings,

and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment of sale, unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment, and the proceeding for sale, were paid at the time of such sale. Any real property sold under this act may be redeemed by the owner or any person interested therein within two years after said sale by paying to the city of Ashville the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office in a book provided for that purpose and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed as herein provided, it shall be such tax collectors duty to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase, and on his failure to do so, he and his bondsmen shall be responsible to the persons entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office shall, upon application of holders of certificates of purchase make out a deed to each lot or parcel of land sold and unredeemed and deliver the same to the pur-

Right to re-  
deem

Tax deeds

chaser or his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property and one dollar for the deed; but any number of parcels of real property for which one person may hold certificates or purchase, may be included in one deed. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements and when so executed and recorded, shall vest in grantee all rights title and estate of former owners, free from all incumbrances made or suffered by them except state and county taxes. Such deeds shall be prima facie evidence in all courts of this state in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed, of the regularity of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns.

Other means  
of collecting

SEC. 28. *Be it further enacted*, That should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing, the provisions contained in code of Alabama, or any part of such provisions, for the collection of taxes so far as the same will apply, and have the same right to sell property and make titles to property sold for taxes as is provided for collecting state and county taxes, and said corporate authorities in adopting provisions shall, by adopting ordinance, declare which of such provisions they adopt, and in such ordinance they may change the provisions so far as to substitute the city tax collector for that of the state and county, and so as to adopt the provisions relative to state and county taxes to the collection of the taxes herein authorized; and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; *Provided*, That this mode of collection shall not prevent collection of such in any other manner than herein provided.

Working on  
streets

SEC. 29. *Be it further enacted*, That said corporate authorities may require all male inhabitants of said city, who have resided therein ten days and who are

between the ages of eighteen and fifty years, to work upon the streets of said city for at least five days in each year under such officer as the board may appoint; *Provided*, that any person so required to work may relieve himself therefrom by paying into the city treasury a sum of not more than five dollars; *and provided further* that the inhabitants of said city shall be exempt from road duty outside the limits of said city.

SEC. 30. *Be it further enacted*, That it shall be unlawful for any officer of said city to make or enter into with the city authorities any contract for work or services or for material and supplies, and any such contract shall be void; nor shall any officer or person charged with the collection of taxes, licenses or dues for said city, unless it be to dispose of warrants that may have been issued directly to such person due, or to in any manner offer any claim, warrant or liability against said city; and any person violating this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than one hundred dollars.

Officers not  
to contract  
with city

SEC. 31. *Be it further enacted*, That the board of mayor and aldermen of said city, whenever they see proper to do so, may provide for a registration of the voters of said city, and such registration shall be made under such lawful rules and regulations as the board may prescribe.

Registration  
of voters

SEC. 32. *Be it further enacted*, That no prosecution, suit or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the town of Ashville, adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and aldermen of Ashville, and all the powers granted by this act shall and must be liberally construed in favor of the city to pass such laws.

Effect of this  
act

Approved February 10, 1891.

To provide compensation for the sheriffs and agents of this state for the removal of prisoners from other states, territories and the District of Columbia.

Payment for  
removal of  
prisoners  
from other  
states, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the sheriffs of the several counties of this state shall be entitled to receive actual expenses and two dollars a day while going to and returning from the place where the prisoner is confined, for the removal of prisoners from any other state or territory or the District of Columbia; *and provided*, that such expenses and per diem shall also be allowed to any person who shall have been commissioned as the agent of the State of Alabama to receive any prisoner from any other state, territory or the District of Columbia for the removal of such prisoner from such state, territory or district; *Provided further*, that no expenses or per diem shall be allowed in any case except for the removal of a prisoner charged with a felony; *and provided further*, that the bill or account for such expenses and per diem shall be approved by the governor and auditor before the same shall be paid.

Approved February 10, 1891.

To provide for establishing the State line between the State of Alabama and Georgia in a certain locality, therein mentioned, and to make an appropriation to pay expenses of the same.

*Whereas*, the Georgia legislature has made provision for a joint survey and location of the State line as therein designated between the State of Alabama and Georgia, by an act approved Oct. 19th, 1889, and found on page 21 of "Georgia Laws 1889."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor of this state is hereby



directed as soon after the passage of this act as practicable, to communicate with the governor of Georgia for the purpose of having a joint survey and settlement of the disputed question, and if such arrangements can be made between the governors of the two states, then the governor of Alabama, be and he is hereby required to appoint three competent persons to act with such number as may be appointed by the state of Georgia, whose duty it shall be to survey and establish, and proclaim as near the original state line as possible, the line between the county of Cherokee in the state of Alabama, and the county of Polk in the state of Georgia, from a point not less than four miles north of where the East Tennessee, Virginia and Georgia Railroad crosses said state line, and thence south to a point not less than one mile south of where the East and West Railroad of Alabama crosses said state line.

Duties of governor, relating to joint survey

SEC. 2. *Be it further enacted*, That it shall be the duty of such persons appointed under this act to take an oath to be administered to each other to faithfully and impartially perform the duties for which they were appointed, and to have said state line, when located, plainly marked upon the timber directly on the line, and within five feet on either side of the line with two distinct hacks, with a blaze above and below the hacks, and shall further mark the line by putting up stone posts on the line at not more than one-half mile apart, said posts not to be less than twelve inches above the ground nor less than eighteen inches in the ground when located, and further, the said surveyors shall mark or caused to be marked the letter "A" on the Alabama side, and the letter "G" on the Georgia side, upon the stone posts, and shall also put up one of these stone posts at the crossing of any railroad or other public highway of travel.

Duties of persons appointed

SEC. 3. *Be it further enacted*, That it shall be the duty of the persons appointed under this act immediately after their work has been completed, to make a report in writing to the governor of Alabama, setting forth the fact that they have surveyed, located and marked the line, as provided for in this act, which report when received by the governor, shall be by him

Must report to governor

filed in the office of secretary of state. The report must contain the compass bearings of the line.

Appropriation

SEC. 4. *Be it further enacted*, That the sum of two hundred and (\$250.00) or so much thereof, as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to pay the expenses of said survey, which account when approved by the governor, the auditor shall draw his warrant upon the treasurer for the same.

Approved February 10, 1891.

245]

# AN ACT

[s. 337

To provide for the election of the Superintendent of Education of Randolph and Cleburne counties by the vote of the people of the county, as other county officers are, and to provide the length of the term of office of the Superintendent of Education in said counties to be appointed in October, 1891.

Election  
of county  
supt's of  
education

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election for county officers in 1892 there shall be elected by the people in the same manner as other county officers are elected, a superintendent of education for the counties of Randolph and Cleburne, whose term of office shall be for four years, and thereafter the office of superintendent of education of said counties shall be elective.

SEC. 2. *Be it further enacted*, That the superintendent of education of Randolph and Cleburne counties who shall be appointed in October, 1891, shall hold office until in 1892, till his successor is elected and qualified.

Approved February 10, 1891.

246]

## AN ACT

[H. 402]

To make repairs on the Capitol building, for furniture in the public rooms, and for work on the Capitol grounds.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the year ending September 30th, 1891, and for the year ending September 30th, 1892, there shall be appropriated the sum of twenty-five hundred dollars for each of said years, in all the sum of five thousand dollars, for repairs on the capitol buildings, for furniture in the public rooms therein, and for work on the capitol grounds. Repairs on capitol, etc

Approved February 10, 1891.

247]

## AN ACT

[H. 490]

To prohibit the selling, bartering, exchanging or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages in Mitchell beat, number one, Lauderdale county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, barter or exchange, or give away any spirituous, vinous or malt liquors, intoxicating bitters or beverages in Mitchell beat, number one, Lauderdale county, Alabama. Liquor prohibition

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than two months, at the discretion of the jury trying the same; *Provided,* That this act shall not apply to social drinking in private houses and to wine used in taking the sacrament. Penalty

Approved February 10, 1891.

To authorize the construction of tramways, poleroads, canals and ditches by corporations, associations, partnerships and individuals, in Conecuh, Butler, Crenshaw and Covington counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any corporation, association, partnership, or individual already engaged in or wishing to engage in any manufacturing, mining or other industrial pursuits, is authorized and empowered to locate, construct, one or more of such tramways, poleroads, canals, or ditches, as may be necessary to transport saw logs, sawn timber, hewn timber, lumber or other raw material, or manufactured article, to and from their place of business, to or from any depot they may wish to establish, along the line of any railroad in this state, or to connect with any navigable stream therein.

SEC. 2. *Be it further enacted*, That in the construction of such tramways, poleroads, canals or ditches, such corporations, associations, partnership or individual is hereby authorized to lay out their said tramways, poleroads, canals or ditches not exceeding fifty (50) feet in width, through the whole length thereof; to purchase the right of way, and such other license, easements and privileges, to divert the water of streams running through the lands of others, as may be necessary, for the purposes herein mentioned, and if the owner or owners of the land or streams which may be necessary for the use and purposes mentioned in this act cannot agree with such corporation, association, partnership or individual on the value of such right of way, license, easement or privilege to divert water courses or the damage arising therefrom; in the event of no sale of the said rights, easements, license, or privileges is made, or in case such owners are infants, non-residents, *non compos mentis*, such value or damage shall be ascertained and assessed as now provided by law in similar cases.

SEC. 3. *Be it further enacted*, That in the construction of such tramways, poleroads, canals or ditches, the same may be connected with any of the navigable

Authority to  
construct

Right-of-  
way

Water of  
streams may  
be appropri-  
ated

streams of this state, or so much of the water of such navigable streams may be appropriated by the use of locks, dams or other appliance as may be necessary to flood said canals or ditches for the purposes herein mentioned; *Provided*, that all the water in any such stream shall not be so diverted; *Provided further*, that any such tramway, poleroad, canal or ditch shall not have the right to cross any street in any incorporated town or city, or be opened through any person's yard, garden or orchard, stable lot, gin-house, or curtilage, without the consent of the municipal authorities of such town or city, or the owners of such other property last mentioned; *And provided further*, that this act shall not authorize the diversion of the water of any stream from its natural channel so as to impair its use in the propulsion of any mill or other machinery, already constructed or in course of construction, nor deprive any person of his remedies now existing by law for the recovery of damages sustained by such diversion; *Provided*, that the provisions of this bill shall only apply to the counties of Conecuh, Butler, Crenshaw and Covington.

Approved February 10, 1891.

249]

AN ACT

[H. 706

To locate permanently the seat of justice of the county of Morgan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the sheriff of the county of Morgan, on the first Monday in April, 1891, to open and hold an election at the several precincts in the said county to ascertain whether it be the will and sense of a majority of the qualified electors of said county that the seat of justice of said county be removed from the town of Somerville, its present location. Of such election and its purposes the said sheriff shall give at least thirty (30) days notice by advertisement in two or more newspapers, published in said county, and by posting notices at the court house door, Election for  
county site

and at some public place in each of the several precincts, and shall provide for the holding of said election ; making returns and ascertaining the result in the same manner and under the same restrictions as are now provided by law for the election of members of the General Assembly, and under all the pains and penalties for failure to perform the duties as required by the general election laws of the state.

Words on ballots      SEC. 2. *Be it further enacted*, That each elector shall have written or printed on his ticket, or ballot, the words "removal" if he favors the removal of the said seat of justice from its present location. But if he does not favor such removal, then he shall have written or printed on his ticket the words "no removal," and if it appear on the ascertainment of the result of said elections that a majority of the qualified electors of said county have voted "no removal" the effect of the said vote shall be the location of the seat of justice of said county at Somerville. But if a majority of the votes are cast in favor of "removal," it shall then become the duty of the sheriff of said county to provide for a second election, to be held on the third Monday in May, 1891, following, to determine the location of the seat of justice of said county, such election to be advertised, held and conducted under the regulations prescribed in section one of this act, at which election each elector shall have written or printed on his ballot or ticket the name of the place at which he desires the seat of justice located ; and if, upon ascertainment of the result of said election, any place in said county, so voted for shall have received a majority of all the votes cast at said election, the effect shall be the location of the seat of justice of said county at the place for which the said majority voted, but if neither one of the places voted for shall have received a majority of all the votes cast, then it shall become the duty of the sheriff of said county to provide for a third election to be held on the first Monday in July, 1891, to be held, advertised and conducted in all particulars as the preceding elections, to determine (as between the places receiving the highest, and the next or second highest vote at the third election) at which the seat of justice shall be located for said county. At said third

Effect of the vote

If for removal, second election

If no decision, third election



election each elector shall have written or printed on his ticket or ballot the name of one of the places to be voted for and the seat of justice of said county shall be permanently located at the place receiving a majority of the votes cast at said third election.

SEC. 3. *Be it further enacted*, That in the event the result of said elections are in favor of the removal of the seat of justice of said county, then within thirty (30) days after such result is made known and declared, it shall be the duty of the judge of probate and the four commissioners of the county, or a majority of them, to select at the place or point having received the highest number of votes, as aforesaid, the most eligible location for the court-house and jail, having in view the terms and conditions most advantageous to the county, on which such location can be acquired; *Provided*, That if the town of Decatur shall be chosen as the seat of justice of said county, the said probate judge and county commissioners shall locate the court-house and jail on a plat of ground at some point between Line street in Decatur, and two hundred yards east of the easterly boundary line of Decatur, and between Lee street and LaFayette street, and its extension two hundred yards beyond the easterly boundary line of Decatur; *Provided*, That the probate judge and commissioners may, if they deem best, locate the county jail at some other place in either Decatur or New Decatur.

Locations for  
court house  
and jail, if  
vote is for  
removal

SEC. 4. *Be it further enacted*, That if the result of said election or elections be the removal of the seat of justice from its present location and its location at another and different place, within thirty (30) days from and after the result of said election is made known and declared, it shall be the duty of the court of county commissioners to provide at a point or place selected as the seat of justice, a suitable building for the holding of the court of said county, and suitable offices for the several county officers until the court-house can be erected and made ready for use, and it shall be the duty of the judge of probate, the register in chancery, the clerk of the circuit court, the sheriff, county treasurer, tax assessor, tax collector, and county superintendent of education as soon as such

Building for  
officers, etc.  
until court  
house can  
be erected

offices are provided, to remove to them all the books, records and papers pertaining to their respective offices. And thereafter the said point or place so chosen at said election, shall be taken and deemed the seat of justice of said county, and there all courts of the county, if not otherwise provided by law shall, and must be held at the times appointed.

Approved February 10, 1891.

250]

AN ACT

[H. 504

To regulate the apportionment of the School Fund in this State by the Superintendent of Education.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter it shall be the duty of the superintendent of education to apportion the public school fund to the various townships and school districts according to the entire number of children of school age.

Apportion-  
ment

SEC. 2. *Be it further enacted*, That in lieu of township superintendents, the county superintendent shall appoint under this law three (3) township trustees who shall be freeholders and householders, resident in the township for which they are appointed.

Township  
trustees

SEC. 3. *Be it further enacted*, That the county superintendent of education, as soon as he receives the annual apportionment of the educational fund to his county, shall forthwith notify the trustees of each township or school district of the amount apportioned to the township or district.

Apportion-  
ment to  
township

SEC. 4. *Be it further enacted*, That the township trustees, when they establish the schools in their township as now provided by law, shall apportion to each school so established such an amount of the public school revenue apportioned to the township for the current scholastic year as they may deem just and equitable, and for the equal benefit of the children thereof between the ages of seven and twenty-one years. They shall determine the number and what children shall be transferred, and shall set apart such

Duties of  
township  
trustees

an amount of the money apportioned to their district to pay for such transferred children, as they may deem just and equitable.

SEC. 5. *Be it further enacted*, That all laws and Laws in con- parts of laws in conflict with this act be, and the same flict repealed are hereby repealed.

Approved February 10, 1891.

251]

AN ACT

[H. 302

To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors at or within certain localities in this state, approved February 28, 1881, so far as the same relates to the corporate limits of the town of Muscadine in Cleburne county on the Georgia Pacific Railroad.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters at or within certain localities in this state, approved February 28, 1881, be and the same is hereby repealed so far as the corporate limits of the town of Muscadine, Cleburne county, on the Georgia Pacific railroad, is concerned. Prohibition act repealed

Approved February 10, 1891.

252]

AN ACT

[H. 698

To provide for election of a board of four commissioners to be known as the Commissioners Court of Macon county, Alabama, whose qualifications, term of office, and duties shall be as is now provided by the general laws of the state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election for state and

Election of  
of comm'rs

county officers in August, 1892, in Macon county, Alabama, there shall be elected by the qualified voters of Macon county, and every four years thereafter, four commissioners to be known as "The Commissioners Court of Macon county, Alabama," whose qualifications, term of office, and duties shall be as is now provided by the general laws of the state.

Compensation

SEC. 2. *Be it further enacted*, That said board shall each receive for their services three dollars per day for each days service actually rendered, and mileage and ferriage as now provided by the general laws of the state.

Laws in conflict repealed

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same is hereby repealed.

Approved February 10, 1891.

253]

AN ACT

[H. 698

For the relief of Benjamin B. Ballard, a citizen of Covington county.

Taxes changed from Butler to Covington

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the state and county taxes to be assessed and collected for state and county purposes of Benjamin B. Ballard, a citizen of Covington county, on the S  $\frac{1}{2}$  of S W  $\frac{1}{4}$  of S E  $\frac{1}{4}$ , and S  $\frac{1}{2}$  of S E  $\frac{1}{4}$  of S W  $\frac{1}{4}$ , Section Thirty-six (36), Township 7, Range 15, lying in Butler county, shall be assessed and collected by the tax assessor and tax collector of the county of Covington.

Approved February 10, 1891.

254]

AN ACT

[H 160.

To allow the sheriffs of Franklin and Jackson counties more time to summon jurors.

SECTION 1. *Be it enacted by the General Assembly*

of Alabama, That the sheriffs of Franklin and Jackson counties be allowed fifty days in which to summon the jurors instead of thirty days as the law now directs.

Time in which to summon jurors

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerks of the circuit courts of said counties to deliver to the sheriffs of their respective counties a list of the jurors to be summoned not more than fifty nor less than forty days before sitting of the next circuit court.

Duty of circuit court clerks

Approved February 10, 1891.

255]

AN ACT

[H. 260

To amend Section 2765 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2765 of the code of Alabama be and the same is hereby amended so as to read as follows: In civil suits and proceedings, there must be no exclusion of any witness because he is a party or interested in the issue to be tried, except that no person having a pecuniary interest in the result of the suit, shall be allowed to testify against the party to whom his interest is opposed, as to any transaction with, or statement by, the deceased person whose estate is interested in the result of the suit or proceedings, or when such deceased person, at the time of said transaction or statement, acted in any representative or fiduciary relation whatsoever to the party against whom such testimony is sought to be introduced, unless called to testify thereto by the party to whom such interest is opposed, or unless the testimony of such deceased person in the relation to such transaction or statement is introduced in evidence by the party whose interest is opposed to that of the witness; *Provided further*, that no person who is an incompetent witness under this statute shall make himself competent by transferring his interest to another.

No exclusion of witness because interested

Exceptions, when estate of deceased person is interested

Approved February 10, 1891.

256.]

AN ACT

[H. 429]

To change the name of Annie Rebecca Hamilton, of Marengo county, to that of Annie Rebecca Watts.

Change of  
name

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the name of Annie Rebecca Hamilton, of Marengo county, be and the same hereby is changed to that of Annie Rebecca Watts.

Approved February 10, 1891.

257.]

AN ACT

[H. 279]

To create a Board of Education for the City of Bessemer, and to prescribe the powers and duties of the same.

Board of edu-  
cation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the public schools of the city of Bessemer shall be under the charge of a Board of Education, to consist of the mayor of Bessemer and six other persons to be elected by the mayor and aldermen of said city, two of whom shall be elected for the term of one year, two for two years, and two for three years, and after the expiration of the first term of the members elected as aforesaid, the successor of each shall be elected by the said board of mayor and aldermen for the term of three years, and ever thereafter the term of each member shall be for three years.

Oath of  
members of  
board

SEC. 2. *Be it further enacted*, That each member of the Board of Education, except the mayor, shall, upon his induction into office, subscribe to an oath to faithfully discharge all the duties enjoined upon him as a member of said board. Such oath may be administered by the mayor of said city.

Duties and  
powers of  
board

SEC. 3. *Be it further enacted*, That said Board of Education shall open a sufficient number of schools to meet the wants of the population of the city of Bessemer; and said board shall elect a city superintendent of education, a superintendent of said schools, a



principal thereof, and all teachers; fix their compensation and prescribe their duties; control the distribution of teachers and pupils among the several schools; dictate the course of instruction, the number and character of text books, the organization of classes and the methods of teaching, and shall prescribe rules and regulations for the government of the schools. Said board may exercise such other and additional powers as may be necessary to give it complete control of the public schools of said city.

SEC. 4. *Be it further enacted*, That said Board of Education shall issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public high schools of said city. Diplomas

SEC. 5. *Be it further enacted*, That the plan of instruction and the rules and regulations adopted by said board shall be adhered to unless altered by a vote of two-thirds of said board. Rules, etc

SEC. 6. *Be it further enacted*, That the children and wards of all actual residents within the corporate limits of the city of Bessemer from seven to twenty-one years of age shall be entitled to seats as pupils in the public schools of said city; *Provided*, such children shall themselves be bona fide residents of said city; and non-resident children may be admitted into such schools on such terms and conditions as the Board of Education may prescribe; but separate schools shall be provided for the children of citizens of African descent. Children entitled to admission

SEC. 7. *Be it further enacted*, That the board of education shall have power to charge in the high schools such incidental or other fees as may be deemed necessary for the proper conduct of said high schools, but no fee or charge of any description must be made in any of the schools of lower grade than the high schools. No fee except in high school

SEC. 8. *Be it further enacted*, That it shall be the duty of the Board of Education before the first Wednesday in April in each year to prepare and file with the mayor of Bessemer an estimate of the money that will be required for the maintenance of the public schools of the city for the succeeding scholastic year and for the erection and repair of necessary school buildings. Estimate of money required

SEC. 9. *Be it further enacted*, That all funds de-

Disbursing  
school fund

voted to public school purposes in the city of Bessemer, whether derived from the state, county or city, shall be paid into the treasury of said city and shall be disbursed in such manner as the Board of Education shall direct. Not more than four (4) per cent. of all moneys raised or which may hereafter be appropriated for the support of the public schools shall be used or expended otherwise than for the payment of teachers employed in such schools.

Board to ex-  
amine ap-  
plicants to  
teach

SEC. 10. *Be it further enacted*, That the Board of Education shall have authority to create a board for the examination of applicants for positions as teachers in the public schools in the city of Bessemer and no person shall be elected as teacher in said schools who shall not have received a license from such board.

Competitive  
examina-  
tions

SEC. 11. *Be it further enacted*, That the Board of Education may in its discretion institute annual competitive examinations before such persons as the board may select, of all applicants for license to teach in the public schools of the city including licensed teachers in such schools who are applicants for re-election as teachers

Approved February 11, 1891.

258]

AN ACT

[H. 461

To prohibit the sale or giving away or otherwise disposing of vinous, spirituous or malt liquors or other intoxicating drinks within three miles of the Methodist church or school house at Olney, Pickens county, Alabama.

Liquor pro-  
hibition

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors, or other intoxicating drinks within three miles of the Methodist church or school house at Olney, Pickens county, Alabama.

Penalty

SEC. 2. *Be it further enacted*, That any persons violating the provisions of this act shall be guilty of a

misdemeanor, and upon the conviction thereof shall be fined not less than fifty nor more than one hundred dollars for each violation

Approved February 11, 1891.

259]

AN ACT

[H. 609

To amend an act entitled an act "to expedite the trial of capital cases in Jefferson county."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That when any capital case or cases are set for trial in any of the courts of Jefferson county it shall be the duty of the presiding judge to draw from the jury box as provided by law, at least one entire day before the day on which said capital case or cases are set, not less than fifteen nor more than twenty-five names at the discretion of said judge. Drawing of jurors

SEC. 2. *Be it further enacted,* That said names may be drawn either in the week when said capital case or cases are set for trial, or in any week of the term previous to said week. When may be drawn

SEC. 3. *Be it further enacted,* That the sheriff shall summon the persons whose names are so drawn, to appear on the first day of any week on which any capital case or cases are set, and out of the number of those attending the court shall proceed to organize a third jury of twelve men, which, together with the regular juries shall be a *venire* for the trial of all capital cases set for trial during the week. Sheriff to organize third jury

SEC. 4. *Be it further enacted,* That if in organizing either the third jury or the two regular juries there should be any jurors left over they shall be excused unless the court in its discretion should see fit to hold them, and if there should not be a sufficient number of jurors in attendance or qualifying, to complete said juries, the judge shall proceed to draw from the jury box, not less than twice the number of names necessary to complete said juries, and the sheriff shall forthwith summon the same; *Provided,* that if in drawing said names from the jury box the name of any person liv- Jurors left over If not sufficient number

ing more than two miles from the court house should be drawn, the judge shall lay aside said name to be returned to the box, and continue to draw until a sufficient number is drawn living within two miles of the court house, *Provided further*, that no mistake made by the judge as to the place of residence of any person whose name is drawn from box, whether beyond or within the two mile limit shall affect the validity or legality of any jury organized under this act.

If no case ready for trial      SEC. 5. *Be it further enacted*, That if no capital case set for trial on the day said jury is organized is ready for trial, then said jury, if no other capital case or cases are set for trial during the week, shall be discharged, and if there be other capital cases set for trial on any other day of said week, said jury may be excused until said day.

Notice to defendant      SEC. 6. *Be it further enacted*, That when the defendant in any capital case is confined in jail, the sheriff shall serve upon him a copy of the indictment together with the list of the names so drawn, and when said names are drawn previous to the week when said case or cases are set for trial, a list of the regular jurors, as drawn by the commissioners, but when drawn the same week, a list of the regular jurors as organized for the week.

Presence of defendant not necessary      SEC. 7. *Be it further enacted*, That the presence in court of the defendant shall not be necessary either at the drawing or organizing of said third jury to complete the *venire* as hereinbefore provided.

No. of challenges      SEC. 8. *Be it further enacted*, That upon the trial of any capital case the defendant shall be entitled to ten peremptory challenges and the state five, and when two or more defendants are tried jointly, each defendant shall be entitled to five peremptory challenges.

If a jury is deliberating on a case      SEC. 9. *Be it further enacted*, That if a capital case is called, and ready for trial while a jury is deliberating upon a capital case submitted to them during that particular week, the jury to try the same may be drawn from the remainder of the *venire*.

If venire is exhausted      SEC. 10. *Be it further enacted*, That if in organizing any jury under this act the *venire* should become exhausted, the court shall proceed to supply the deficiency in the same manner as provided in section 4 of this act.

SEC. 11. *Be it further enacted*, That all laws and parts of laws either general or special in conflict with this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 11, 1891.

260]

AN ACT

[H. 860

For the relief of William B. Morgan and Glenn Scoggins of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of four hundred dollars be appropriated out of moneys in the treasury of the state, not otherwise appropriated, to pay William B. Morgan and Glenn Scoggins of Jefferson county as reward for services rendered in arresting Thomas Simpson who was killed in resisting arrest for whose arrest a reward of four hundred dollars was offered by the governor. Appropriation

SEC. 2. *Be it further enacted*, That immediately upon the approval of this act the auditor of the state shall draw his warrant upon the treasury of the state in favor of William B. Morgan and Glenn Scoggins for the sum of four hundred dollars, to carry out the provisions of this act.

Approved February 12, 1891.

261 ]

AN ACT

[H. 838

To amend an act to authorize the Commissioners Court of Calhoun county to levy a tax for working public roads of said county, and to let out said roads by contract, approved February 28th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act to authorize the commissioners court of Calhoun county to levy a tax for working the public roads of said county, and to let out said roads by contract, be amended so as to read Working public roads

as follows, viz: Section 1. Be it enacted by the General Assembly of Alabama, That all male inhabitants of Calhoun county, between the age of 18 and 45 years not exempt from road duty under the general laws of the state, shall be required to work upon the public roads of said county four days in each year, or, instead thereof, shall pay two dollars on or before the first day of April and two dollars on or before the first day of October of each year.

Road tax

SEC. 2. *Be it further enacted*, That section two of said act be amended so as to read as follows, viz: Sec. 2. Be it further enacted, That said commissioners court shall levy a special tax not to exceed three twentieths of one per cent. on the taxable property of the county, which shall be a part of the one-half of one per cent. now authorized by the constitution for county purposes, to be assessed and collected as other taxes, and when paid into the treasury it shall be kept separate from other funds, and used only for the purposes indicated in this act.

Contract for  
repairing  
roads

SEC. 3. *Be it further enacted*, That section three of said act be amended so as to read as follows, viz: Sec. 3. Be it further enacted, That said court, at its first term in each year, shall, after giving notice by publication for twenty days in some newspaper published in the county, let to the lowest responsible bidder the contracts for repairing the public roads of said county, under such specifications as it may determine, or make special contracts for working said roads as it may consider best; *Provided*, that no contract shall be let for less than six miles of road.

Duties of  
contractors

SEC. 4. *Be it further enacted*, That section seven of said act be amended so as to read as follows, viz: Sec. 7. Be it further enacted, That each contractor shall give bond in double the amount of his contract for the faithful performance of his duties and compliance with the terms of the contract. He shall at the end of each quarter report to the court the number of days worked, and by whom the amount of money collected and by whom paid. He shall, prior to the first of April and October, call upon each man subject to road duty and allotted to his contract by the court for two days work, but may take instead thereof two dol-

Road defaulters



lars at the option of said party, and if any man fail or refuse to work or pay the amount of two dollars within the time above specified, said contractor shall return him to the justice of the peace of the precinct of his residence, and he shall be proceeded against as road defaulter under the general laws of the state, and all fines under such proceedings shall be paid to the contractor making the case, and shall be reported by him to the court as he reports other money collected.

SEC. 5. *Be it further enacted*, That sections 4, 5, Sections repealed  
6, and 8 of this act be and the same are hereby repealed  
with this act as are also all laws or parts of laws in conflict

Approved February 11, 1891.

262]

AN ACT

[H. 766

To incorporate the Southern Literary Society.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That William W. Hill, W. R. Greene, R. S. Hill, E. R. Rushton, T. B. Hill, F. D. Kahn, J. D. Douglass, E. M. Barrett, Mc. B. Faunce, C. W. Blue, A. W. Blue, J. C. Parker, T. M. Arrington, A. L. Bayne, J. S. Fuller, F. S. Holt, W. H. Seymour, T. B. Teasely, and others that are now or may hereafter become members of the Southern Literary Society, be and the same are hereby created a body corporate under the name and style of the Southern Literary Society, may by that name and style sue and be sued, plead and be impleaded in any court of law or equity; also to contract and be contracted with as a natural person. Corporators  
Name, right  
etc

SEC. 2. *Be it further enacted*, That said body corporate, under the corporate name and style aforesaid may purchase, receive, sell, convey and dispose of personal or real property of any character whatever and make and receive, exchange any property, and enjoy all other rights and powers not herein enumerated as may be necessary for the well being and prosperity of said corporation to all intents and purposes as a natural person might do or suffer to be done.

SEC. 3. *Be it further enacted*, That said Southern Literary Society shall have power to make and exercise and enforce such constitution and by-laws not in conflict with the constitution and laws of the State of Alabama and of the charter hereby granted for the government of the same as may seem proper, and to amend and repeal the same at pleasure.

SEC. 4. *Be it further enacted*, That the corporation hereby created may create such offices and hold elections and elect such officers as may be desirable.

SEC. 5. *Be it further enacted*, That the said corporation is hereby declared a social and literary corporation.

SEC. 6. *Be it further enacted*, That the corporation hereby created may have and use under its corporate name and style, a common seal and may add to or annul the same at pleasure.

SEC. 7. *Be it further enacted*, That the number of the membership of said society shall be one hundred and seventy-five.

Approved February 11, 1891.

263]

AN ACT

[H. 773

To authorize and empower the board of mayor and aldermen of the city of Tuskaloosa, to issue bonds of said city, not to exceed thirty-three thousand dollars, for the purpose of taking up, and refunding all outstanding bonds of said city, upon which eight per cent. per annum is being paid as interest at the present time.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*. That the board of mayor and aldermen of the city of Tuskaloosa, are authorized and empowered to take up and refund the following bonds of said city at this time outstanding with coupons attached for interest at eight per cent per annum: 1. One thousand dollars of improvement bonds issued September 1st, 1885, due September 1st, 1891, as shown by an ordinance of said city passed October 7th, 1885; 2. Four

Authority to  
take up  
bonds

thousand dollars of said improvement bonds issued July 1st, 1886, due July 1st, 1906, as shown by an ordinance of said board of mayor and aldermen, dated July 16th, 1886; 3. Eighteen thousand dollars of school building bonds, issued June 15, 1887, due June 15, 1919, as shown by an ordinance of said board of mayor and aldermen, dated March 4, 1887; 4. Ten thousand dollars of improvement bonds issued June 1st, 1888, and due June 1st, 1910, as shown by an ordinance of said board of mayor and aldermen, dated May 2d, 1888. In all thirty-three thousand dollars of the bonds of the city of Tuskaloosa.

SEC. 2. *Be it further enacted*, That the said bonds of the said city of Tuskaloosa, issued under the powers of this act by said board of mayor and aldermen of the city of Tuskaloosa, shall not bear more than six per cent. interest per annum, payable semi-annually at such time and place as may be indicated by said board of mayor and aldermen of the city of Tuskaloosa.

SEC. 3. *Be it further enacted*, That said bonds may be issued in sums of one hundred dollars, or any multiple thereof not greater than one thousand dollars. They shall be signed by the mayor and countersigned by the secretary of said city. The coupons shall be signed and numbered by the secretary of said city, who shall keep a correct account of all bonds issued and disposed of under this act. Such bonds shall be made payable at such times as the board of mayor and aldermen may agree upon not exceeding fifty years from the date of their issuance, and may be transferred by delivery as negotiable papers; shall be redeemable at such place and at such time as said board of mayor and aldermen of said city of Tuskaloosa shall indicate.

SEC. 4. *Be it further enacted*, That said bonds and coupons shall be exempted from all municipal taxes, and receivable for city taxes from the holder or transferee thereof; *Provided*, that the bonds issued by the board of mayor and aldermen under the powers granted in this act shall be sold at not less than par value, and the proceeds applied to paying off all the bonds mentioned under section one in this act, and for no other purpose whatever.

Bonds to  
bear six per  
cent. inter-  
est

Denomina-  
tion, how  
signed, ne-  
gotiable, etc

Receivable  
for taxes

Not to be sold  
for less than  
par

SEC. 5. *Be it further enacted*, That the said board of mayor and aldermen are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents duly authorized or appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 6. *Be it further enacted*, That this act shall take effect immediately upon its approval, and that all laws, general or special, as far as they are in conflict with the provisions of this act, are hereby repealed; *and provided further*, the treasurer of the city of Tuskaloosa shall be required to give a special bond of the sum of twenty thousand dollars, payable to the board of mayor and aldermen of the city of Tuskaloosa, to be approved by the probate judge of Tuskaloosa county, conditioned that the proceeds of the sale of the bonds authorized by this act shall be applied to no other purpose than as hereinbefore specified by this act; *Provided further*, that the bonds authorized by this act shall be sold in such amounts only as may be necessary to take up the outstanding eight per cent. bonds as the right to call in and redeem them accrues to said city; and such amounts shall be sold not earlier than three months before the said city of Tuskaloosa has the right to call in and redeem the aforesaid outstanding eight per cent bonds.

Approved February 11, 1891.

264]

AN ACT

[H. 900

To amend section 1586 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1586 of the code of Alabama be, and the same is hereby amended so as to read as follows :

1586 (2011). Aid to, or purchase and lease of other roads.—A corporation chartered under the laws of this or any other state, heretofore or hereafter created, for the purpose of building, constructing or operating a railroad, may, at any time, by means of subscription to the capital of any other corporation or company, or otherwise, aid such corporation or company in the construction of its railroad, for the purpose of forming a connection with the road owned by such corporation or company furnishing aid; or any railroad corporation organized in pursuance of the laws of this, or any other state, may lease or purchase any part or all of any railroad constructed by any other corporation or company, if the lines of such road are continuous or connected, upon such terms and conditions as may be agreed on between the corporations or companies respectively; or any two or more railroad corporations or companies, whose lines are so connected, may enter into any arrangement for their common benefit, consistent with and calculated to promote the objects for which they were created; but no such aid shall be furnished, nor any purchase, lease or arrangement perfected, until a meeting of the stockholders of each of such corporations or companies has been called by the directors thereof, at such time and place, and in such manner, as they shall designate; and the holders of a majority in value of the stock at such corporation or company, represented at such meeting, in person or by proxy, and voting there at, shall have assented thereto.

Right of purchase, etc., given to railroad companies

Approved February 11, 1891.

265]

AN ACT

[H. 989

To confirm the incorporation and organization of the Hunter, Benn & Co. company, and to define and declare the powers of said company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of the Hunter, Benn & Co. company heretofore, on July 21, 1887, had under the general laws of the state,

Corporation confirmed

and by and under proceedings had in the probate court of Mobile county be, and the same is in all things confirmed, and said company is hereby vested with all of the rights powers and privileges conferred and set forth in its declaration of incorporation filed in said court.

Rights, powers, etc  
SEC. 2. *Be it further enacted*, That the said corporation shall have and possess all the rights, powers, franchises, privileges, immunities, by the general laws of the state conferred on private corporations organized for mining, manufacturing or other industrial business.

Kinds of business  
SEC. 3. *Be it further enacted*, That the said corporation shall have the power to buy, own, erect and operate saw mills, and to carry on its business in other states and counties where by law it may be permitted so to do, and to subscribe to and own stock in saw mills, tow boat, and other industrial companies; to manufacture, buy and sell lumber, timber and wood goods generally; to purchase and hold and sell and deal in lands and rights in lands, and to lay off and improve the same as a land company; to subscribe to and own stock in land companies; to construct, own and operate such rail and tramways, steamboats, barges and carrying vessels and conveyances as may be necessary or suitable to the proper handling of their general business; to own and conduct general merchandise stores in connection with their business, and also to engage in business as agent or brokers and commission merchants in or about the purchase or sale of lands, timber, lumber and wood goods generally, and all rights and privileges pertaining thereto, and in and about rosin, turpentine and stumpage rights and privileges, and in and about coal for steamers, bunkers and for export, and in all respects deal in and about same.

Capital stock, etc  
SEC. 4. *Be it further enacted*. That the capital stock and bonded indebtedness of said corporation may each be increased at any time not to exceed the amount limited by law to mining and manufacturing companies under the general laws of this state by a vote of the majority of its capital stock cast at a special meeting called for the purpose, and of which proper notice



shall have been given as required by section 1572 of the code for similar companies.

Approved February 11, 1891.

266]

AN ACT

[H. 660

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within three miles of Adoniram church in beat 5, Henry county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors within three miles of Adoniram church, in beat 5, Henry county, Alabama. Liquor prohibition

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty nor more than one hundred dollars. Penalty

Approved February 11, 1891.

267]

AN ACT

[H. 758

To amend section two of an act entitled an act to create a separate school district in Marion and Lamar counties, and to define the boundaries thereof, approved February 27th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act entitled an act to create a separate school district in Marion and Lamar counties, known as the Stucky school district, and to define the boundaries thereof, approved February 27th, 1889, be amended so as to read as follows: Act amended

SEC. 2. That said school district shall be in all respects managed and controlled as a school district as now provided by law for the school districts in this Duty of tax assessors

state; *Provided*, That the tax assessors of Marion and Lamar counties shall note the poll tax belonging to said school district.

Approved February 11, 1891.

268]

AN ACT

[H. 661

To legalize the purchase of a ferry across the Chattahoochee river by the town of Columbia, Henry county, Alabama, and to authorize said town to run or operate the same.

Purchase of  
ferry ratified

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the purchase of a ferry across the Chattahoochee river by the town of Columbia, in Henry county, from A. C. Fullmore, be and the same is hereby legalized and ratified.

Powers of  
mayor and  
councilmen

SEC. 2. *Be it further enacted*, That the mayor and councilmen of the town of Columbia shall have the power to purchase land on which to establish a road leading from said town to said ferry, and to run and operate said ferry free, or charge a toll, and the mayor of said town shall have jurisdiction to try all offenses committed on said road or said ferry, and shall exercise all other police regulations over said road and ferry.

Approved February 11, 1891.

269]

AN ACT

[H. 802

To incorporate the Montgomery Manufacturers' Aid and Improvement Company.

Corporators

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. E. Worswick, Jacob Greil, John D. Roquemore, W. F. Vandiver, E. B. Joseph, M. P. LeGrand, Sr., M. B. Houghton, M. C. Scott, A. T. Han-  
non and B. Wolff, and such other persons as may here-  
after be associated with them, and their successors and  
assigns, are hereby created a body politic and corporate

under the name and style of the Montgomery Manufacturers' Aid and Improvement Company, and by that name may sue and be sued in all the courts, and shall have the right to adopt and use a common seal, and change the same at pleasure. It shall keep the main office in the city of Montgomery, Alabama, but may establish branch offices, or agencies elsewhere, as may be conducive to its interests.

Name, rights  
etc

SEC. 2 *Be it further enacted*, That the capital stock of said company shall be one million of dollars divided into twenty thousand shares of the par value of fifty dollars a share. No one person, firm or corporation shall hold in his own right more than two hundred shares of such stock, but this shall not prevent a stockholder owning as much as two hundred shares, from holding more of such stock as security for any debt owing to him. All transfers of the stock must be in writing and made on the books of the company, by the person in whose name it stands or by his agent or attorney duly appointed in writing to make such transfer, and no transfer shall be valid unless so made. The company shall have a lien on all stock for all unpaid balances due thereon and for all debts, fines and interest due by the person in whose name it stands to the company, and no transfer of stock shall operate to divest the company of such lien.

Capital stock

SEC. 3. *Be it further enacted*, That a majority of the persons named in the first section of this act, or a majority of their survivors, may within twelve months from the passage of this act open books of subscription to the capital stock of said company in such place or places as they see fit, and when as much as one thousand shares shall have been subscribed for, they shall call the subscribers together in the city of Montgomery by giving notice by publication for five successive times in some daily newspaper published in the city of Montgomery, Alabama, for the purpose of completing the organization of said company. At such meeting so called, the subscribers representing a majority in value of stock subscribed for, shall elect from among themselves a board of nine directors, who shall manage and control the affairs and business of the company for the next ensuing year and until their successors are elected

Organization

Board of directors

## Officers

and qualified. The board of directors shall meet immediately on the adjournment of the meeting of the subscribers to the stock, and elect from among their number a member to be president of the company, and shall elect some suitable person to be the secretary of the company, and some suitable person to be the treasurer of the company, and said board may appoint such other officers and agents and employees as it may think necessary to properly conduct the business of the company, and shall require such bonds with such conditions of its officers, agents and employees as it may deem necessary for the protection of the interests of the company.

Payment of  
subscription  
to stock

SEC. 4. *Be it further enacted*, That said capital stock shall be paid up in monthly installments, each installment not to exceed one dollar per share, and when fifty dollars has been paid on each share of said stock, or when the payments on said stock together with the accumulated interest, income or profits arising therefrom or from the investment thereof, amounts to fifty dollars per share, then the stock shall be considered and stand for full paid stock. No dividend shall be paid on any stock not fully paid up, but all dividends earned and declared by the company before the stock is fully paid up shall be applied as a payment on such stock. No full paid stock certificate shall be issued to any stockholder until his stock has been fully paid up, but temporary stock certificates may be issued showing the number of shares a person has subscribed for and that the holder will be entitled to a full paid stock certificate for such number of shares when the owner or his assigns make the full number of payments thereon required by this act and otherwise complies with the by-laws of the company. The holder of any temporary stock certificate shall have the right to have entered on the back thereof, at any time by the secretary and treasurer, a statement of the number and amount of payments he has made, and the number and amounts of dividends declared on his stock, and the amount of the fines and deductions to be taken from such payments and dividends.

SEC. 5. *Be it further enacted*, That as soon as one thousand shares of stock is subscribed for, and the sub-

scribers meet and elect directors, and such directors elect the officers of the company, all as provided for in section three of this act, the said company shall be considered as fully organized, and is authorized to commence business. After the organization, the books of subscription may be kept open and subscriptions to the capital stock of the company taken, from time to time, until all the stock is subscribed for. The directors are authorized to fix the terms upon which subscriptions to stock after organization may be taken, that is whether a new subscriber shall be allowed to begin by paying the regular monthly installment and then continue to pay the regular monthly installments until his stock is paid up, or whether he shall be required to pay the book value for all new stock, and then be allowed to make his other payments in the usual installment method.

When company may commence business

SEC. 6. *Be it further enacted*, That the board of directors shall have power to close and reopen the books of subscription whenever in their judgment it is to the interest of the company to do so; to make all necessary by-laws for the management of the business of the company and add to or repeal, or in any other way change such by-laws from time to time and may, in such by-laws, adopt such systems of fines, penalties and forfeitures as they may deem expedient to enforce the collections of subscriptions to the capital stock; to manage and control the business and property of the company; to fill all vacancies occurring in the board of directors or in any office of the company; to elect all officers except directors at annual meetings, and appoint all agents and servants of the company, to remove all officers, except directors, agents or servants at their pleasure, with or without cause at any time; to fix the compensation and prescribe the duties of all such officers, agents, and employees.

Powers of board of directors

SEC. 7. *Be it further enacted*, That the stockholders shall meet annually at the principal office of the company in the city of Montgomery, Alabama, on the first Wednesday in May of each year at the hour of eleven o'clock a. m. for the purpose of electing directors for the next ensuing year, and until their successors are elected and qualified, and for the transac-

Annual meetings

tion of such general business as they may lawfully do, and the directors elected at such meeting shall go into office at once. Stockholders may be represented at all stockholders' meetings, general or special, by proxy, authorized thereunto in writing. Each stockholder shall be entitled to one vote for each share of stock owned by him; *Provided however*, That the directors may have the power to deprive any stockholder of the right to vote such stock as is in arrears of the assessments, or in default in the payment of a fine or penalty, during the time of such arrears or defaults.

Powers of  
corporation

SEC. 8. *Be it further enacted*, That said corporation shall have the following powers: To levy, hold, lease, sell, rent out, and improve, exchange, and generally deal in real estate and personal property to the same extent as if it was a natural person; to buy, own and trade in bonds, stocks, notes, bills, mortgages and choses in action, and sell the same; to loan money and to take mortgages to secure such loans on real and personal property, or to take individual or collateral security on such loans; to establish and maintain any kind of a manufacturing establishment within or within five miles of the city of Montgomery, Alabama, and to do all such acts as may be necessary for the establishment and maintenance of such manufacturing establishment; to aid any manufacturing or industrial business that may be established within, or within five miles of the city of Montgomery, Alabama, by donation,

May issue  
bonds

by taking stock therein, by lending them money, or in any other way; to issue its bonds or borrow money and mortgage or otherwise convey its property, real or personal to secure such loans; but it shall not make any mortgage or issue bonds, for a greater sum than its capital stock, nor shall it pay a higher rate of interest on any bonds it may issue, or on any mortgage debt it may create than 8 per cent. per annum payable semi-annually; nor shall such bonds be issued or such mortgages made otherwise than by the consent of the holders of the larger part of the capital stock of the company subscribed for at the time the bonds are issued or the mortgage made expressed by vote at a meeting of the stockholders called for that purpose, of the time and place of which meeting, and of the purpose for



which it is called, thirty days notice is given each stockholder personally whose residence is known, and by publication for three consecutive weeks in a newspaper published in the city of Montgomery, Alabama.

SEC. 9. *Be it further enacted*, That the affairs of said company shall be wound up and the corporation dissolved whenever at a meeting called for that purpose by publication for thirty days in a newspaper published in the city of Montgomery, Alabama, three-fourths in value of the stockholders shall determine by vote to do so; but the said company shall retain the right to sue and be subject to be sued, until all of its affairs are settled.

When corporation may be dissolved

Approved February 12, 1891.

270]

AN ACT

[H. 259

To amend section 141 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 141 of the code of Alabama be amended so as to read as follows: Section 141. The commissioner must furnish the licensee, on application, tags to be attached to fertilizers sold or exchanged, of the kind and description he is required by sub-division seventeen of section 137, to prepare, on the payment to him of fifteen cents for a number sufficient to tag a ton of fertilizers. Before selling or exchanging, or offering to sell or exchange, fertilizers, the licensee must attach one of the tags to each bag, barrel or package thereof, and a sale or exchange of fertilizers not so tagged, is void; *Provided*, That the provisions of this act shall not go into effect until September 30, 1891.

License tags to be attached to fertilizers

Approved February 12, 1891.

To provide liens for mechanics and material men, and to repeal sections 3018, 3022, 3025, 3026, 3028, 3041 of the Code, and section 3027, as amended by the acts of 1888-89.

Sections of  
the code re-  
pealed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following sections of the code of Alabama of 1886, are hereby repealed: 3018, 3022, 3025, 3026, 3028 and 3041; also, section 3027, as amended by the acts of the general assembly, passed at the session of 1888-89.

Contractor's  
lien

SEC. 2.—Lien declared—*Be it further enacted*, That every mechanic, firm, association, corporation or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler, or machinery for any building, article, improvement or utility on land, or for altering, repairing or beautifying the same, under or by virtue of any contract with the owner or proprietor thereof, or his agent, architect, trustee, contractor, or sub-contractor, shall have a lien therefor on such building, article, improvement or utility, and on the land on which the same is situated, to the extent in ownership of all the right, title and interest owned therein by such owner or proprietor, and in area of the entire lot or parcel of land, and in addition thereto shall have a lien for all costs and for an attorney's fee, in the discretion of the court, not to exceed twenty-five dollars (\$25.00); *Provided*, that the lien of employes of the contractor and person furnishing material to him shall extend only to the amount of any unpaid balance due the contractor by the owner or proprietor, and such employes and material men shall also have a lien on such unpaid balance.

Employes  
lien

Duties of  
owner or  
proprietor

SEC. 2½. *Be it further enacted*, That every owner or proprietor, or authorized agent shall, before making any payment under the contract, demand of the contractor a complete list of all the material men, laborers and employes, who have furnished any material or thing, or have done any labor or performed any service, or who may be under any contract or engagement to furnish any material or thing or to do any labor, or to

do any service for such contractor for or on such building or improvement, with the terms and price thereof and the amount due, and such proprietor shall pay to the respective persons named in such list, or their agents, the amounts shown to be due by such list, which payment shall be a proper credit on such contract. If any owner, proprietor or his authorized agent fails to demand such list or pay the amounts shown due by such list, as required by this section, then the lien of all the material men, laborers and employes shall extend to the full amount due such material men, laborers and employes.

SEC. 3. *Be it further enacted*, That any lien filed under this act, must be filed in the office of the judge of probate of the county where such labor was performed and material furnished within ninety (90) days from the last day on which any labor was performed or material furnished, by leaving with the judge of probate a statement of the amount due for labor performed and material furnished, a description of the property on which the lien is claimed, and the name of the owner or proprietor thereof, if known; but no error in the amount or name of the owner or proprietor shall affect the lien.

Must file lien  
in ninety  
days

SEC. 4.—Liability of contractor.—*Be it further enacted*, That any contractor, or sub-contractor, receiving money or other consideration due on his contract, and who fraudulently fails to pay the person performing any labor or furnishing any material expended or used in the construction of any building, article, improvement or utility, or in altering, improving, repairing or beautifying the same, thereby allowing a lien to be filed against such property, shall be guilty of obtaining money under false pretenses, and may be punished under the statute made and provided for the offense.

Obtaining  
money under  
false pretenses

SEC. 4½. *Be it further enacted*, That any contractor who fails or refuses to furnish the list as required by section 2½ of this act shall thereby forfeit his right to a lien under this act.

Forfeiting  
right to lien

SEC. 5.—Notice of Lien to Owner.—*Be it further enacted*, That any person holding claims under this statute shall give notice to the owner or proprietor, his agent or architect, ten days before filing

Notice to  
owner

his lien, giving the amount of his claim, and that he looks to his lien on the building, improvement, article or utility, for the payment of his claim; *Provided*, That if such notice is left at the residence or place of business of the owner or proprietor, his agent or architect, it shall be deemed a full compliance with this section.

SEC. 6.—When Consent of Owner Presumed.—*Be it further enacted*, That the fact that the person performing labor or furnishing material was not notified in writing not to perform such labor or furnish such material, by the person in whom the title was invested at the time such labor was performed or material furnished, shall be prima facie evidence that it was by and with the consent of the owner that such labor was performed and material furnished.

SEC. 7.—Suits Instituted.—*Be it further enacted*, That all actions for the enforcement of liens shall be brought within six (6) months after the filing of the lien.

SEC. 8.—Jurisdiction.—*Be it further enacted*, That when the amount involved exceeds one hundred dollars, (\$100.00) action for enforcement of lien under this chapter shall be brought in the circuit court, or court having like jurisdiction, of the county in which the property is situated; in all other cases such action shall be brought before justices of the peace, whose judgments shall be executed as now provided by section 3037 of the code.

SEC. 9. *Be it further enacted*, That all laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 12, 1891.

272]

AN ACT

[H. 913.

To regulate the trial of misdemeanors in Shelby county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of Shelby county shall have jurisdiction of all misdemeanors in said county.

SEC. 2. *Be it further enacted*, That at the next term of the circuit court of said county it shall be the duty of the presiding judge thereof upon the day of adjournment of said court to make an order upon the minutes of said court directing and requiring the clerk of said court to deliver to the judge of the county court all indictments found at that term of the court against persons charged with the commissions of misdemeanors, together with all papers and certified copy of all docket entries and minutes of proceedings had there in said circuit court, and upon the transfer and delivery of the same, the jurisdiction of said circuit court shall cease and exclusive jurisdiction shall vest in said county court.

Transfer  
from circuit  
to county  
court

SEC. 3. *Be it further enacted*, That prosecutions may be instituted or commenced in said county court as is now provided by law in county courts to be thereafter subject to the provisions of this act.

Prosecutions  
in county  
court

SEC. 4. *Be it further enacted*, That the clerk of the circuit court shall be ex-officio clerk of the county court, and he shall have authority to issue warrants of arrest returnable to said court, and the practice and proceedings therein shall conform to the practice and proceedings of the circuit court of the state except as herein modified.

Duty of clerk  
of circuit  
court

SEC. 5. *Be it further enacted*, That the assistant or county solicitor shall prosecute all cases of misdemeanors tried in the county court and for such services shall receive the fees taxed against defendants convicted in said court.

County so-  
licitor

SEC. 6. *Be it further enacted*, That there shall be six regular terms of said court, to be held at such time as may be determined by the county judge and at the place now provided by law.

Six terms

SEC. 7. *Be it further enacted*, That three of said terms shall be jury terms.

Jury terms

SEC. 8. *Be it further enacted*, That every person charged with the commission of a misdemeanor, either by complaint or indictment, shall be entitled to a jury upon demand, and such demand being made, the court shall continue the case to the next jury term, unless the demand is made during a jury term, in which event, a jury shall be empaneled as in the cir-

Jury trials

cuit court, and the trial proceeded with, except as altered by this act, the same as is now provided by law for like cases in circuit court.

Jury terms      SEC. 9. *Be it further enacted*, That every other term of said court shall be a jury term for the trial of all persons charged with misdemeanors, who demand a trial by jury.

Drawing of  
juries      SEC. 10. *Be it further enacted*, That said commissioners court at its next term after the passage of this act, shall draw from the jury box prepared for that, the names of thirty-six respectable householders or freeholders, and shall place names of twelve of said householders or freeholders inside of three envelopes and seal them up and deliver the same to the judge of the county court.

Duties of  
judge and  
sheriff      SEC. 11. *Be it further enacted*, That it is the duty of the judge of the county court, and he is hereby required, ten days before the jury terms of said court to break the seal of one envelope delivered to him by said commissioners court, and deliver the names to the sheriff of said county, and said sheriff shall without delay summon said men to appear at the next term of said county court to serve as jurors in said court.

Duties of  
clerk      SEC. 12. *Be it further enacted*, That all misdemeanors that may hereafter be preferred by the grand juries of said county must be returned by the clerk of said circuit to the judge of the county court, and be by the clerk of said circuit court, as ex-officio clerk of the county court, filed in said county court. Process must be issued by said clerk under said indictment, and prosecutions commenced by affidavit, and indictments and all proceedings had in such cases as is now had in the circuit court, except such as may be modified herein.

Fees      SEC. 13. *Be it further enacted*, That all fees paid to the clerk and sheriff for services rendered in said county court shall be the same as those now allowed by law for similar services in the circuit court.

SEC. 14. *Be it further enacted*, That the fees paid to the judge of the county court shall be as follows: For trial of each case, three dollars, except where the case is not proessed, or the defendant pleads guilty, in which event he shall receive one dollar, and each judgment against a defaulting witness one dollar, and said fees shall be paid out of the county treasury.



SEC. 15. *Be it further enacted*, That all appeals from the county court shall be to the supreme court, and that in the trial of any cases without a jury in said county court, in addition to the questions which may be under existing laws presented to the supreme court for review, either party may, by bill of exceptions also present for review the conclusions and judgment of the court on the evidence, and the supreme court shall review the same without any presumptions in favor of the ruling of the court below, on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as to the supreme court shall seem right.

Appeals to  
supreme  
court

SEC. 16. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Laws in con-  
flict repealed

Approved February 12, 1891.

273]

AN ACT

[H. 450

To prevent hunting or fishing, entering upon or trespassing upon certain lands on the Black Warrior River, in Greene county, in Townships twenty and twenty-one, and Ranges two and three east, after the owner or person in possession thereof shall have forbidden the same by notice posted on the lands or by publication in a newspaper published in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the owner or person in possession of any lands embraced within the following described territory in Greene county, namely: sections 25, 35 and 36, township 21, range 2, east; sections 30, 31 and 32, township 21, range 3, east; sections 5 and 6, township 20, range 3, east; sections 1, 2, 11, 12, 13, 14, 23 and 24, township 20, range 2, east; sections 17, 18, 19, 20, 28, 29, and 30, 31, 32 and 33, township 20, range 3, east, all lying on west side of Black Warrior river, may forbid hunting, fishing, entering on, or trespassing upon said lands, by notice published in a news-

Trespassing  
forbidden

paper published in said county for ten days or by posting notices in three places in the territory prohibited that this land is posted, with the date.

Penalty

SEC. 2. *Be it further enacted*, That any person who shall, without the consent of the owner or person in possession of such land, hunt, fish, enter upon or trespass upon the land so posted or advertised, shall be deemed guilty of a misdemeanor, and upon conviction thereof, must be fined not less than five dollars nor more than one hundred dollars.

Justices of  
the peace  
have juris-  
diction

SEC. 3. *Be it further enacted*, That justices of the peace shall have concurrent jurisdiction with the circuit court of all offenses committed in violation of the provisions of this act.

Approved February 12, 1891.

274]

AN ACT

§. 233

To confirm, amend and enlarge the charter of the Birmingham Railway and Electric Company, and to ratify and confirm the consolidation of the Bessemer and Birmingham Railroad Company with other corporations therein named.

Preamble

*Whereas*, Under and by virtue of the provisions of section thirteen (13) of an act entitled, "an act to confirm, amend and enlarge the charter of the Bessemer Dummy Line, and to change the name thereof," approved February 19, 1889, the Bessemer and Birmingham Railroad Company has united and consolidated its railroads and franchises, rights and privileges with the railroads, franchises, rights, and privileges of the Birmingham Union Railway Company, a corporation organized under the general laws of this state, and with the railroads and franchises, rights and privileges of the Ensley Railway, a corporation organized under the general laws of this state, and with the franchises, rights and privileges of the Birmingham Electric Company, a corporation organized under the general laws of this state; and

*Whereas*, By such consolidation and amalgamation,

the said four corporations so consolidating did form one general company or corporation under the name and style of "Birmingham Railway and Electric Company;" and

*Whereas*, Such consolidation was agreed upon and effected by the stockholders of said four corporations, more than two thirds in number of the stockholders of each of said corporations voting therefor, and more than two-thirds of the stock of each of said corporations being voted therefor; and

*Whereas*, In and by the agreement of consolidation made by and between the said consolidating corporations, the stock of the Birmingham Railway and Electric Company was fixed at three million dollars (\$3,000,000), divided into thirty thousand shares of the par value of one hundred dollars (\$100.00) each; and

*Whereas*, in accordance with the terms and conditions of the said agreement of consolidation one million nine hundred and one thousand dollars (\$1,901,000.00), of the stock of said Birmingham Railway and Electric Company has been apportioned among the stockholders of said consolidating companies, and the individual stock of each of said consolidating companies has been taken up and replaced with the stock of the Birmingham Railway and Electric Company; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of the Birmingham Railway and Electric Company, effected by and under the said agreement of consolidation and the proceedings had thereunder, be and the same are hereby in all respects ratified and confirmed, and all acts of the said four consolidating corporations and of the Birmingham Railway and Electric Company, had and done thereunder, are hereby confirmed; *Provided*, that the stockholders who voted against such consolidation shall be paid the market value of their stock at the time of such consolidation.

Incorporation and organization confirmed

SEC. 2. *Be it further enacted*, That all the rights, powers and franchises, at the time of such consolidation, belonging to each and all the said corporations, so consolidating, and their rights and interest in and to every species of property, are by virtue of such con-

Rights, powers, etc., transferred

solidation, declared to be transferred to and vested in the Birmingham Railway and Electric Company, without any other deed or transfer; and such consolidated company shall hold and enjoy the same, together with the rights of way and all other rights of property, in the same manner, and to the same extent as if each of the said consolidating corporations had continued to retain the title and transact the business of such corporation; *Provided*, That all rights of creditors, and all liens upon the property of either and all the said consolidating corporations shall be preserved unimpaired, and the respective consolidating corporations shall continue to exist, so far as may be necessary to enforce the same; *Provided, further*, That all the debts, liabilities, and duties of each and all the said consolidating corporations shall attach to said consolidated company, and be enforced from the same, to the same extent, and in the same manner, as if such debts, liabilities and duties had been originally incurred by it.

Authorized  
to construct  
road, etc

SEC. 3. *Be it further enacted*, That the Birmingham Railway and Electric Company is hereby authorized and empowered to construct, maintain and operate, in addition to the lines it is now operating and maintaining, and has the power to construct, operate and maintain lines of railway, in and through any and all portions of the county of Jefferson, and the territory adjacent to the city of Birmingham; *Provided*, That it shall not construct any of its lines of railway within the limits of any incorporated city or town in such county or territory without the consent of the local authorities of such city or town.

Bonded in-  
debtedness

SEC. 4. *Be it further enacted*, That the present bonded indebtedness of the Birmingham Railway and Electric company, aggregating the sum of one million five hundred thousand dollars, (\$1,500,000 00), may be increased from time to time at a meeting of the stockholders called for that purpose; of the time and place of which meeting, and of the purpose for which it is called, thirty days notice must be given by publication for four consecutive weeks in some newspaper published in the city of Birmingham; and such increase can be made only by the vote at such meeting

of the persons holding the larger amount in value of the capital stock.

SEC. 5. *Be it further enacted*, That the present authorized capital stock of the Birmingham Railway and Electric Company, aggregating the sum of three million dollars (\$3,000,000.00) may be increased from time to time to an amount not exceeding ten million dollars (\$10,000,000.00) by the vote of the persons holding the larger amount in value of the stock at a meeting of the stockholders called for that purpose, of which meeting, and the purpose for which it is called, thirty days notice must be given by publication for four consecutive weeks in some newspaper published in the city of Birmingham.

May increase  
capital stock

Approved February 12, 1891.

275]

AN ACT

[H. 299

To amend section 4533 (5002) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4533 (5002) of the code be amended so as to read as follows: 4533 (5002). Deduction from term of punishment for good behavior. Whenever the inspectors of convicts shall report to the governor that the conduct of any convict in the penitentiary, or at hard labor for the county, has been good during any year or years of his imprisonment, the governor may, in his discretion, order a portion of said sentence to be deducted for each year or years of good conduct, as follows: From each of the first two years, two months; from each of the next two years, three months; from each of the next two years, four months; from each of the next two years, five months; and from all of the remainder of said sentence over eight years, six months from each year; *Provided*, That no deduction shall be granted in any case where the sentence is for less than six months; and when the sentence is for less than two years, the convict shall be entitled to a deduction of the pro rata of the time as provided for the first two years; *And provided fur-*

Time gover  
nor may or  
der deducted  
from sen-  
tence

ther, That the provisions of this act shall not apply to any convict who, after having served a sentence, or a portion of a sentence, either in the penitentiary or at hard labor for the county, shall be convicted of a felony or of a misdemeanor involving moral turpitude, or any convict who escapes, or attempts to escape, subsequent to the passage of this act.

Approved February 12, 1891.

276]

AN ACT

[s. 223

To authorize the Opelika Police Board to order an election in the city of Opelika

Election of  
officers

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be the duty of the Opelika police board to order an election and appoint managers for the same to be held on the third Monday in April 1891 and every two years thereafter, for five commissioners, one of whom shall be elected as recorder and so designated by the voter at such election, and a clerk of said police board; also at the same time and place to elect a chief of police, or town marshal. The elections herein provided shall be conducted and held in the same manner and subject to the same rules, regulations and restrictions to all intents and purposes as the municipal election of 1889 was held.

Approved February 12, 1891.

277]

AN ACT

[s. 261

To amend sections two and seven of an act entitled an act to constitute the city of Montgomery a separate school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section two of an act entitled an act to constitute the city of Montgomery a separate school district, and approved on the 28th day of Feb-



ruary, 1889, be and the same is hereby amended so as to read as follows, to-wit:

Section 2. Be it further enacted, That it shall be the duty of the city council of Montgomery, as soon as practicable after each municipal election every two years, to elect a board of school examiners who shall be qualified electors and reside in said city, and who shall not be members of said city council. Said school examiners shall hold their offices, except as hereinafter provided, for the term of four years and it shall be the duty of the said examiners to prescribe and pass upon the qualifications of all persons who are applicants to teach in the public schools of said city, including the city superintendent of said schools, and before each annual election of teachers to present to the city council the names of all applicants who have been found qualified by them to teach in said public schools, together with their recommendations touching the same, and out of the names thus presented, the council shall select teachers for said public schools; but the said city council shall have the right, in their discretion, to reject any or all nominations made by said board of examiners. In the event that out of the names thus presented to the council the requisite number of teachers is not elected, it shall be the duty of said examiners as soon as practicable thereafter, and before the beginning of the succeeding scholastic year, to nominate to the council other applicants qualified to teach in said public schools, from which names the requisite number of teachers is to be elected by said council. At the election of said school examiners to be held in May, 1891, six members of said board of examiners shall be elected by said city council, three of whom shall hold their offices for the term of four years, and three for the term of two years, the city council to determine as it may see proper, to which class each member so elected shall belong, whether to the class whose term expires in four years or to the class whose term expires in two years, and at each biennial election thereafter, the said city council shall elect three members of said board of examiners who shall hold their offices for four years and until their successors are duly elected and quali-

School examiners, and their duties

Shall present to council names of applicants qualified to teach

Six members of board

Competitive  
examina-  
tions

fied. Said board of examiners may hold annual competitive examinations of applicants for positions as teachers in the public schools of said city, including teachers in the schools who are candidates for re-election, and shall have the power to grant certificates of qualifications of different grades, to all applicants who pass examinations, and said board of school examiners shall have the power to adopt such by-laws, rules and regulations as they may deem proper and not inconsistent with the laws of this state, for the government of said board and of all proceedings before it pursuant to the provisions of this act.

Duties of su-  
perintendent

SEC. 2. *Be it further enacted*, That section seven of said act be and the same is hereby amended so as to read as follows, to-wit: Sec. 7. *Be it further enacted*, That the superintendent of said public schools shall personally overlook and supervise and manage the said public schools under the direction of said city council; shall attend to the taking of the school census (with such assistance as may be allowed him by the city council), which census shall be taken for said city in the month of April of each odd year, and it shall further be the duty of said superintendent to make full and complete reports to the state superintendent of education, and to said city council.

Approved February 12, 1891.

278]

AN ACT

[s. 118

To dissolve garnishments in cases where the defendant executes bond to plaintiff.

Garnishm't  
dissolved by  
bond

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where garnishments are issued, when suits pending a judgment has been obtained, the defendant may dissolve such garnishment and have the same dismissed, upon filing in the clerk's office of the court where suit is pending, or judgment was obtained, or with the justice of the peace where suit is pending or judgment obtained, in such court a bond with sufficient security, payable to the plaintiff

for the payment of the amount of such judgment as may be rendered against the garnishee in such proceedings, and the cost thereon; and the plaintiff may have judgment on such bond against the defendant and sureties, as judgment may be obtained against sureties upon appeal bonds

Approved February 12, 1891.

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AN ACT

[s. 103

For the relief of the Columbus Insurance and Banking Company, of the State of Mississippi; Clarke & Murrell, agents.

*Whereas*, The Columbus Insurance and Banking Company did, for the three years, 1878, 1879 and 1880 pay, during each of these years, to the treasurer of the State of Alabama one thousand dollars for a license tax to carry on a fire insurance business in the State of Alabama for one year, thus paying to said treasurer the sum of three thousand dollars, said sum being required by the auditor of the State of Alabama as a condition precedent of issuing any license to said company to do business in Alabama under section 1440 of the code of Alabama of 1876, and sections 385 and 587 of the code of Mississippi; and

*Whereas*, Section 1432 of the code of Alabama of 1876 required insurance companies not incorporated under the laws of Alabama to pay a license of only one hundred dollars for the privilege of carrying on any business of insurance in this state; and

*Whereas*, The supreme court of Alabama in the cause of Clarke & Murrell, Agents, vs. the Port of Mobile, 67th Alabama Reports, page 217, have decided that said section 1440 of the code of Alabama of 1876, is unconstitutional, and that the state cannot charge said Columbus Insurance Company more than it can home companies for a license to carry on business, to-wit: one hundred dollars annually; and

*Whereas*, The State of Alabama has received from said insurance company twenty-seven hundred dollars

more than it could constitutionally exact or legally require; now, therefore,

Auditor to  
draw war-  
rant

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor is hereby authorized and required to draw his warrant upon the treasurer for the sum of twenty-seven hundred dollars in favor of Clarke & Murrell, as agents of the Columbus Insurance and Banking Company in full satisfaction of their claim against the State of Alabama, as hereinabove stated.

Approved February 13, 1891.

280]

AN ACT

[s. 123

To establish an additional circuit court in the county of Blount and to provide a place for holding the same.

Division of  
county for  
additional  
court

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county of Blount is hereby divided as follows: Beginning at the point on the line between Blount and Cullman counties where the Huntsville meridian crosses the same, thence south with said meridian line to the Locust Fork of the Warrior river with its meanderings to the line between the counties of Blount and Jefferson, and that the jurisdiction of said court shall embrace all that part of Blount county lying west of said line.

Jurisdiction  
of court

SEC. 2. *Be it further enacted*, That all causes of action, both civil and criminal, within the jurisdiction of a circuit court, and arising within said county, west of said line, shall be cognizable, heard and determined at the place located for the court house as hereinafter provided.

Duties of cir-  
cuit clerk

SEC. 3. *Be it further enacted*, That all process shall be issued by the clerk of the circuit court of said Blount county and executed as now provided for by law in said county, and that the process issued in all suits or proceedings of every kind and nature arising within the territory west of said line shall be returnable at the court house as hereinafter located.

SEC. 4. *Be it further enacted*, That the circuit courts of the above described territory in said county shall be held by the judge of the circuit court, embracing Blount county, on the first Mondays in June and November of each year and may continue two weeks at the place provided for holding the same. Time of holding court

SEC. 5. *Be it further enacted*, That the circuit clerk of Blount county shall be required to keep a separate docket of causes arising within the jurisdiction of the court established by this act and may be required to carry the same to the court house established thereof. Separate docket

SEC. 6. *Be it further enacted*, That the grand and petit jurors for the court hereby established shall be drawn from those qualified to serve within the territory described and embraced by this act and they shall be exempt from jury service in any courts outside the territory herein described. Jury duty

SEC. 7. *Be it further enacted*, That all sales of land lying west of the said dividing line made under legal process shall be made in front of the court house located as hereinafter provided. Sales of land under legal process

SEC. 8. *Be it further enacted*, That in order to carry into effect the object of this act, that the sheriff of Blount county be authorized and required to order an election and to appoint managers and returning officers to hold same on the first Monday in August, 1891, within the territory named west of the Huntsville meridian and Locust Fork of the Warrior river at the usual places of holding elections in said territory; *Provided however*, That in case any of the legal voters of Pocahontas beat, and of Concord beat, in said county, in case that their voting place is east of that line in the territory named west of the Huntsville meridian, they are hereby authorized and allowed to register and vote at Blountsville, Alabama, stating in their registration the beat or precinct where they reside; and at such election the qualified voters in this territory may cast a ballot on which shall be written or printed the name of one of the places to be voted for as a place for location of the court house, and a majority of all the votes cast shall be necessary to a choice for location of said court house. Election for location of court house

SEC. 9. *Be it further enacted* That Blount Springs and Bangor both of which are in the territory named may be voted for in said election.

SEC. 10. *Be it further enacted*, That the returns of elections as hereinbefore provided for shall be made to the sheriff at his office in Oneonta and on Saturday after the first Monday in August, 1891, shall be opened by the sheriff, probate judge and circuit clerk of Blount county, and the result declared.

SEC. 11. *Be it further enacted*, That George D. Fitzhugh, of Blount Springs, Ala., Louis McPherson, of Arkadelphia, and Pinkney Warren, of Gum Springs, be, and the same are hereby appointed to select the necessary site or sites upon which to erect a necessary court house and a jail, which site must be within one mile of the center of the town or village selected by the vote hereinbefore provided for.

SEC. 12. *Be it further enacted*, That the commissioners court of said county of Blount are authorized and empowered to procure necessary land when selected by the commissioners above named and erect thereon a court house and jail to cost not exceeding two thousand dollars, and to levy such special tax as may be necessary to meet the cost of same.

SEC. 12½. *Be it further enacted*, That the managers and clerks of the elections provided for in this act shall receive no compensation for their services in holding said election.

SEC. 13. *Be it further enacted*, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 13, 1891.

281]

AN ACT

[H. 519

To incorporate the town of Fort Deposit, in the county of Lowndes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Fort Deposit, in the county of Lowndes, be and the same is hereby incor-



porated, and the corporate limits of said town shall be the boundaries of section 29, township 12, range 15, and that the present and future inhabitants of said town, as by this act incorporated, shall be, and they are by this act, made and constituted a body corporate and politic, under the name and style of The Town of Fort Deposit, under and by which name and style and acting by and through the proper officers of said corporation, hereafter to be designated, all the corporate powers and privileges of said town by this act granted, shall be executed and carried into effect as required; and under its corporate name aforesaid the said town corporation shall sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive and hold and sell, grant, alien, mortgage, assure or let property real or personal, may have and use a common seal, which may be changed at pleasure, and may do and perform all acts incident to such corporation not inconsistent with the laws of this state.

SEC. 2. *Be it further enacted*, That the government of the town shall be styled the "Town Council of Fort Deposit," and shall consist of a chief officer to be styled the mayor of the town of Fort Deposit, and five councilmen, each to be elected by the legal voters of the town. The person receiving the highest number of legal votes for the office of mayor, shall be elected mayor, and the five persons receiving the highest number of legal votes for councilmen, shall be elected councilmen. Every citizen of said town who would be a legal voter at said election for members of the legislature, and shall have been a resident of said town for thirty days next preceding the election will be a legal voter at such election for mayor and councilmen. All elections for mayor and councilmen under this act, shall be by ballot, and no person shall be eligible to office under this act unless in addition to being a qualified voter of said town, he shall have resided therein twelve months next preceding the election.

SEC. 3. *Be it further enacted*, That the intendant and council now in office, in the town of Fort Deposit shall cause an election to be held on the first Monday in May, 1891, for mayor and five councilmen of the town of Fort Deposit, the election to be held at such

Name, rights,  
etc

Officers

Elections

Voters

Eligible to  
office

Elections an-  
nually

place within the corporate limits as said intendant and council may determine, and said mayor and councilmen so elected and each subsequent board of mayor and councilmen shall in like manner cause an election to be held for mayor and councilmen annually on the first Monday in May, each and every succeeding year. Said elections for mayor and councilmen shall be conducted according to the election laws of this state, and the said town council shall appoint managers of said elections, to consist of such number of persons as may be deemed expedient; the votes to be returned to the acting mayor or intendant, and by him laid before the town council to be examined and counted. The said town council shall be the judges of all elections and shall have full power to determine all matters in relation to elections, and to ascertain the legality of the voters, and in counting shall reject all illegal votes, and count only such as are legal. In the event that two or more persons should have an equal number of legal votes for the office of mayor, the councilmen for the time being or a majority of them, shall determine which of the said persons shall be mayor, and in case of a tie vote in the election of councilmen the mayor and councilmen then acting and not interested in the decision to be made, shall determine which of the persons having the tie vote, shall have the office, except that in cases where the vacancies occur by reason of the expiration of the term of office by which the mayor or councilmen were elected, the office of mayor shall be filled by the councilmen then acting, and the office of councilmen shall be filled by the mayor and councilmen then acting. The said mayor and councilmen shall hold their office until the next succeeding election for mayor and councilmen after their election or appointment, and until their successors are duly elected and qualified. If a vacancy occur in the office of mayor or councilmen, by death, resignation or otherwise, such vacancies shall be filled, if of councilmen, by the mayor and councilmen; or, if mayor, by the councilmen. The said mayor and councilmen shall reside within the corporate limits of said town. The intendant and councilmen who shall be in office in said town at the passage of this act, shall hold

In case of tie

Vacancies

Present

officers

their office until the next ensuing election for mayor and councilmen in said town on the first Monday in May, A. D. 1891, and until said mayor and councilmen to be then and there voted for are duly elected and qualified.

SEC. 4. *Be it further enacted*, That the mayor and each councilman and the marshal and all other officers of said town provided for by this act, before entering upon the duties of their office, shall make and subscribe an affidavit before any person authorized by law to administer an oath, that he will faithfully and to the best of his ability perform the duties assigned to him without favor or partiality, which affidavit shall be filed in the office of the mayor of said town. Official oath

SEC. 5. *Be it further enacted*, That the said town council shall have power to elect and remove at pleasure a secretary and treasurer from their own body, and also to elect and remove at pleasure, a marshal, and such other officers as they may deem necessary and proper, and to prescribe their duties. The said town council shall have power to fix the fees and salaries of the mayor, councilmen, secretary and treasurer, marshal and other officers elected or appointed under this act, and to require of them before entering upon the duties of their respective offices, such bond and security as they may deem necessary, and to impose on them such fines for neglect of duty in office, not exceeding one hundred dollars, as they may deem necessary; and in case of the temporary disability of any of said officers, the said town council are empowered to appoint substitutes in his, or their place until his, or their disability is removed. The said town council are empowered to levy such fines, not exceeding one hundred dollars, for a breach or breaches of their by-laws or ordinances as they may deem proper, and to enforce and collect the same in such manner as may be prescribed by ordinance, by execution against the property of the person on whom the fine is imposed, or by committing to prison or hard labor for the town, as they may deem necessary and proper, which fines shall be paid into the treasury of the town. The said secretary and treasurer, marshal, and other officers elected or appointed under this sec- Officers elected by council

tion shall hold their office, unless sooner removed by said town council which elected or appointed them, until their successors in office or elected or appointed by the next succeeding town council, and duly qualified, which said elections or appointments shall be had by each succeeding town council at its first regular meeting after its election and qualification.

Powers of  
council

SEC. 6. *Be it further enacted*, That the said town council shall have power and authority to pass all such by-laws and ordinances as may be deemed necessary and proper for its government, not inconsistent with the laws of this state, and the same to alter and repeal when they may deem necessary, and shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to prevent contagious diseases from being introduced or kept in said town, and to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person causing the same, or upon whose property it may be found; to license, tax, regulate or restrain all shows and theatrical amusements, exhibitions and lectures; to prohibit and suppress gaming and gaming houses, and houses of ill fame within said town to appoint night and day watchers, and captains of the same; to make, alter, and ascertain new streets and alleys; to clear and keep in repair the streets and alleys; to establish necessary inspections; to erect and regulate markets, and fix the assize of bread; to erect public scale-houses with proper scales, weights and measures; to weigh and measure in case of disagreement between buyer and seller; to license and regulate wagons, carts, and drays, hacks and carriages running in said town for hire; and generally to pass such by-laws and ordinances not contrary to the laws of this state, or to the constitution and laws of the United States as said town council shall deem necessary and proper to carry into effect the true intent and meaning of this act, and the same to enforce, alter, and repeal; *Provided*, that no purchase of real or personal property, or sale or mortgage of the same, above the amount of one thousand dollars made by said town council, shall hold good and valid without a ratification of the same by a majority of the citizens entitled to vote in said town at

a special balloting held for the same, to be held and conducted in all respects like elections for mayor and councilmen in said town.

SEC. 7. *Be it further enacted*, That the said town council shall have power and authority to assess and collect annually within the corporate limits of said town, all the revenue necessary for its government and the payment of its debts as follows: On all real and personal property within the corporate limits of said town subject to taxation by the laws of this state, they may levy a tax, not exceeding one half of one per cent. on the cash value thereof; on all stocks of goods, wares and merchandise for sale, the assessment to be upon the average amount on hand during the preceding year, but the amount so assessed shall in no case be less than the capital actually employed in the business, a tax not exceeding one half of one per cent.; but if the dealer in such goods, wares and merchandise commenced business since the first day of January of the current year, then the tax shall be apportioned according to the date at which the business shall be commenced, so that if commenced after the first day of April, the tax shall be three-fourths of the tax for the whole year, if commenced after the first day of July, the tax shall be one half of the tax for the whole year; on all capital invested in mills, gins, tanneries, cotton pickeries, warehouses or other manufacturing establishments, a tax not exceeding one half of one per cent; on all goods or articles sold at auction, a tax not exceeding one half of one per cent.; on the gross amount of commissions, or sums charged and received during each tax year by any factor, broker, commission merchant, or other merchant or dealer in any kind of property, or auctioneer in buying, selling, or for any other act in the course of his business, for a commission or compensation by bale, sack or package or otherwise, after deducting the expenses for carrying on such business, and on the gross commissions received by insurance agents as such during each tax year, a tax not exceeding one half of one per cent.; on the gross amount of premiums or gains received from their business of any bank or insurance company, after deducting therefrom the expenditures, losses paid and re-

Taxes and  
rate of tax-  
ation

## License

turned premiums a tax not exceeding one half of one per cent. or a license not exceeding one hundred dollars; on the gross receipts of all cotton pickeries, cotton seed oil mills, tanneries, public mills and gins used in ginning for tolls or other manufactories or from storage of cotton, merchandise, or other produce after deducting the expense of carrying on such business, a tax not exceeding one half of one per cent.; on each fire insurance company doing business by an agent within the corporate limits of said town, a license not exceeding twenty-five dollars; on each life insurance company doing business by an agent within the corporate limits of said town, a license not exceeding twenty-five dollars; on every cart, dray, wagon, or other vehicle used principally for the transportation of goods and commodities within the corporate limits of said town for hire a license not exceeding twenty dollars; on each huckster doing business within the corporate limits of said town, a license not exceeding ten dollars; on each keeper of a barber shop a license not exceeding five dollars; on each peddler of any article within the corporate limits of said town, a license not exceeding fifty dollars; on each auctioneer of goods; wares, or merchandise of any kind or description within the corporate limits of said town, a license not exceeding twenty-five dollars; for each exhibition of a circus within the corporate limits of said town, a license not exceeding one hundred dollars; on all other business or employment, authorized by the revenue laws of this state to be licensed, a license not exceeding the amount of the state license for the same business or employment.

Powers of  
mayor and  
marshal

SEC. 8. *Be it further enacted*, That the mayor of said town or in his absence, any councilman acting for mayor, shall be and is hereby vested, *ex-officio* with, and may exercise in said town, all the powers and authority that belong to justices of the peace, by the laws of this state, and the marshal of said town shall be *ex officio* a constable and be vested with and exercise all the powers and authority of a constable of this state, and the said marshal and mayor, or councilman acting for mayor shall be liable respectively to the same penalties and restrictions as are imposed by the laws of this state upon the several offices with which



they are invested. It is made the duty of the jailer of said county of Lowndes to receive all prisoners committed for violation of the laws of this state, by warrant of said mayor, or councilman acting for mayor, of said town; and the persons so committed safely to keep until released by due course of law.

SEC. 9. *Be it further enacted*, That should the election not take place on the day fixed for the annual election of mayor and councilmen, said town corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are elected and qualified, and it shall be the duty of the town council to fix some other day, as early as convenient within one month thereafter on which the said election shall be held. Elections

SEC. 10. *Be it further enacted*, That the inhabitants of said town are exempt from working on the roads without the corporate limits of the said town corporation, and also from patrol duty. The streets, alleys, and highways in said town, shall be kept in repair by the town, and all male citizens of said town, within the ages required by the laws of this state, to perform road duty (not otherwise exempt) may be required to perform ten days work on the public streets of said town in each year, or in lien thereof may pay a street tax of five dollars each year. Working on streets  
Street tax

SEC. 11. *Be it further enacted*, That the said town council shall have full power and authority to make, ordain, and enact such laws and regulations, not contrary to the constitution and laws of this state, as they may deem necessary in relation to the streets and highways, public buildings, powder magazines, and every matter or thing which they may think indispensable for the good order and welfare of said town. Powers of council

SEC. 12. *Be it further enacted*, That said town council shall have full power and authority to close or open any street, or part of any street, which in the judgment of said town council may be best and most advantageous for the interests of the town; *Provided*, That if the interest of any private party is thereby injured, such party may have, by fair arbitration, due allowance of compensation first made to him for the same; and the said town council shall have full power Authority as to streets

and discretion in relation to the disposition of all property real, personal, or mixed belonging to said town, or which may hereafter be owned by said town. All the property and rights of whatever description belonging to said town of Fort Deposit at the time of the passage of this act, shall be and the same is vested by this act in the said town of Fort Deposit as incorporated by this act

Erection of  
wooden  
buildings

SEC. 13. *Be it further enacted*, That the said town council shall have full power and authority, in addition to the powers already conferred by this act, to pass by-laws or ordinances to regulate or prohibit the erection of wooden buildings, in such parts of said town as in the opinion of said town council the public good of said town may require, and to pass ordinances for the punishment of such persons as may injure or deface the public buildings or grounds belonging to said town.

Mayor's  
court

SEC. 14. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at all meetings of the town council, and to call extra meetings of the same whenever the interests of the town may require it; he shall hear and determine upon all causes for breaches of the by-laws and ordinances of the town and may receive such fees and salary as may be prescribed by the town council. In the absence or disability of the mayor, the councilmen shall select one of their number to act as mayor pro tem during the absence or disability of the mayor who shall discharge the duties of said office, and be entitled to the benefits of the same, until the mayor returns, or his disability is removed. Two councilmen may call a meeting of the town council. At meetings of the town council, the mayor and three councilmen, or four councilmen shall form a quorum for business.

Council  
meetings

Assessing  
taxes

SEC. 15. *Be it further enacted*, That the said town council shall cause an assessment of taxes to be made annually by the marshal of said town, or any sworn deputy they may accept in his place, whose duty it shall be, to receive from any person liable to taxation in said town, his or her statement or declaration under oath, of every item and particular upon which said person is liable to be taxed, together with the valuation of the

same, at and within the time appointed by the said town council, in the same manner, and with the same restrictions as apply to the state and county assessments. And if any person fails or refuses to give in his or her assessment lists, or, in the judgment of the marshal or other assessing officers, places an unfair valuation upon property returned, the marshal or other assessing officer shall assess the same at what he believes to be its fair value; and the marshal or other assessing officer shall likewise assess all property whose owner or owners are unknown. Said assessment, when completed, shall be returned by the marshal, or other assessing officer to the mayor, to be laid by him before the town council; and the mayor shall give at least ten days publication by written or printed advertisement posted in three public places in the town, that the assessments are closed, and fixing the day when the town council will meet to hear, and determine upon all complaints which may be made against said assessments. It shall be the duty of said town council to correct all errors, supply all omissions in assessments, and to revise the valuation placed upon property by tax-payers, as to do justice to all, and equalize taxation as near as practicable; but the valuation of no property shall be raised without first notifying the owner thereof, and permitting him to be heard in relation thereto; but the valuation of no property shall be raised higher than the value of such assessment for state taxation during the preceding year. When all corrections and other alterations have been made in the assessments by the town council and certified by the mayor, the said assessment lists shall have the force and effect of a judgment and execution, and may be collected by the marshal or other officers appointed by the town council for that purpose, by levy and sale of property on giving such notices as is required by law on executions from the circuit courts of this state. Said assessment lists, so revised by the town council, creates and establishes a lien in favor of the town for the amount of taxes assessed against each tax-payer respectively upon all the property embraced in his assessment list, prior and superior to all other liens whatever, except the lien of the state for taxes

Collection of  
taxes; sale  
etc !

due on the same property. All sales made under and by virtue of such assessment shall convey to the purchaser the same title as if sold by execution from the circuit courts of this state. In case of the sale of real estate for taxes, the marshal or other officer making such sale shall give purchaser a deed of conveyance which shall vest in him the same interests that was held by the person against whom such tax was assessed at the time of assessment. When a tax is assessed upon property, the owner of which is unknown, thirty days notice of the time and place of sale, specifying the property and tax thereon, shall be given in a newspaper published in said town, at the expense of the property, and if no newspaper is published in said town, then in a newspaper published in the said county of Lowndes. The owner of any real estate sold for taxes, shall have the right to redeem the same by paying to the treasurer of said town for the party interested, the amount of the purchase money, with interest thereon, at the rate of ten per cent per annum, from the date of sale, the costs of the certificate of purchase, all taxes that have accrued thereon subsequently to the sale, together with all other costs and charges, any time before the expiration of two years from the date of sale, but the real property of any infant or lunatic, sold for taxes may be redeemed within one year after the removal of such disability upon the terms herein specified. No property belonging to a defaulting tax-payer of said town shall be exempt from levy and sale for the taxes due from said tax-payer.

Right to re-  
deem

SEC. 16. *Be it further enacted,* That all property, claims, and demands of whatever nature and description, belonging to the town of Fort Deposit, at the time of the passage of this act, shall be, and the same is by this act vested in the said town of Fort Deposit, as incorporated by this act, and all debts, contracts or liabilities, owing to, or incurred by said town before and at the time of the passage of this act, may be enforced and shall be as good and valid against said town as incorporated by this act, after the passage of this act as the same now are against said town, and all claims and dues owing to said town before and at the time of the passage of this act, may be enforced and collected by said town as incorporated by this act.

Property vested in new  
corporation

SEC. 17. *Be it further enacted*, That all the ordinances and regulations of the intendant and councilmen of the town of Fort Deposit, not contrary to the constitution and laws of this state, heretofore made and in force at the time of the passage of this act, shall be applicable to the town of Fort Deposit as incorporated by this act, and shall remain in force until repealed or altered by the said town council of Fort Deposit. Laws applicable

SEC. 18. *Be it further enacted*, That all laws and parts of laws contravening any of the provisions of this act, shall be, and the same are hereby repealed. Laws in conflict repealed

Approved February 13, 1891.

282]

# AN ACT

[H. 917

To establish the district court of Colbert and Lauderdale counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby created and established in and for the counties of Colbert and Lauderdale an inferior court of law and equity to be called the District Court of Colbert and Lauderdale counties, which said court shall have and exercise the powers and jurisdiction which are now, or may hereafter be conferred by law on the several circuit and chancery courts of this state. When exercising powers and jurisdiction pertaining to courts of law, said, The District Court of Colbert and Lauderdale counties, shall conform to the practice and rules of procedure of the circuit courts of this state, provided by law for said counties of Colbert and Lauderdale, and when exercising the powers and jurisdiction pertaining to courts of equity, it shall conform to the practice and rules of procedure of the courts of chancery of this state provided by law for said counties of Colbert and Lauderdale, except where such practice and rules are changed by this act. District court  
Rules of procedure

SEC. 2. *Be it further enacted*, That the judge of said district court of Colbert and Lauderdale counties Governor to appoint judge

Term of office, etc	<p>shall be appointed by the governor, and his term of office shall be six years from the date of his appointment. He shall take the oath of office required by law to be taken by judges of the circuit court, and shall be removable for the same causes, and in the same manner as judges of the circuit court; and he shall exercise all the powers and jurisdictions which are now, or may hereafter be lawfully exercised by the judges of the circuit court and chancellors of this state, including the authority to issue writs of injunction, mandamus, certiorari, prohibition, ne exeat, and all other remedial writs. In case of a vacancy caused by the resignation, removal or death of the judge, the governor shall fill such vacancy by appointment, and the term of office of the person so appointed shall be six years from the date of his appointment. The judge of said court shall reside in the county of Colbert or Lauderdale during his continuance in office; and at the time of his appointment he shall have been a practicing attorney of this state for not less than ten years.</p>
Vacancy	
Solicitor	<p>SEC. 3. <i>Be it further enacted</i>, That immediately after the passage and approval of this act, there shall be elected a solicitor for the district of Colbert and Lauderdale counties by joint ballot of the general assembly, whose term of office shall continue until a successor is elected by the general assembly in the year 1892, in the same manner, and at the same time that solicitors for each of the judicial circuits are elected, and every six years thereafter a solicitor for the district of Colbert and Lauderdale counties shall be elected in like manner. The solicitor so elected shall hold office for the term of six years, and until his successor shall have been elected, and qualified; and said solicitor for the district of Colbert and Lauderdale counties shall be charged with the performance of the same duties in said district court, and subject to the same liabilities and penalties in respect thereto, as are by law imposed upon circuit solicitors in the circuit courts of this state, and it shall also be the duty of said solicitor to attend upon the county courts of said counties, and perform all the duties now devolving by law upon the deputy solicitor, and he shall be entitled to the same compensation and fees as is prescribed by sec-</p>
Term of office	
Duties of so- licitor	



tion 4868 of the the code of Alabama; *Provided*, The fees received by said solicitor shall not exceed the sum <sup>Fees</sup> of twenty-five hundred dollars per annum, the remainder of the fees to be paid into the state treasury. Such district solicitor shall be learned in the law, and during his term of office shall reside in either the county of Colbert or Lauderdale.

SEC. 4. *Be it further enacted*, That the clerk of the circuit court of Colbert county, shall be the clerk of said district court in cases of law jurisdiction for the county of Colbert, and the register of the chancery court in Colbert county shall be the register of said district court, in cases and matters of equity jurisdiction for the county of Colbert; and the clerk of the circuit court for Lauderdale county shall be the clerk of said district court in cases of law jurisdiction for the county of Lauderdale, and the register of the chancery court in Lauderdale county shall be the register of said district court in cases and matters of equity jurisdiction for the county of Lauderdale; and the said clerks of said courts and registers in chancery shall be liable on their respective bonds and be charged with the same duties, and subject to removals as may be now or hereafter required and provided by law. <sup>Clerks and registers in chancery</sup>

SEC. 5. *Be it further enacted*, That said court shall be held and the office of said clerks and registers thereof shall be kept at the court house of said counties of Colbert and Lauderdale. Said court shall hold two regular terms each year in each of said counties, and may continue in session until the business is disposed of. The regular terms of said court shall be held in the county of Lauderdale on the first Monday of January and June of each year, and in the county of Colbert on the first Monday in March and August of each year; *Provided*, That if at the expiration of the regular term in either of said counties, the judge of said court may adjourn the said district court for such county to such other time, to be entered on the minutes of said court, as may be deemed expedient by him, and at the time to which said court is adjourned may proceed with the disposal of any cases or business on the dockets of said court, whether pending therein at the time of such adjournment or afterwards brought <sup>Where courts hold</sup> <sup>Two terms each year</sup>

in said courts, originally or by transfer from any other court. There may also be such temporary adjournments of said court during any part of the term thereof as may be deemed expedient and proper by the judge thereof. The process, writs and papers and records of said court shall run and be entitled in the name of the District Court of Colbert or Lauderdale county respectively, with the addition in cases and matters of chancery jurisdiction, of the words "In Equity." The sheriffs and other officers of said counties of Colbert and Lauderdale are hereby required to execute, and shall be responsible for the lawful and proper execution of the process of said court in their respective counties as is now or may be hereafter prescribed by law for the execution of legal process, notices and papers in this state; and the clerks of said court and the registers in chancery thereof, and the sheriffs and other officers of said counties respectively, shall receive the same fees, costs and compensation as may now or hereafter be provided for therein in similar cases and proceedings in the other courts of this state.

Process,  
writs, etc.

Duties of  
county officers

Fees

Issuing executions

SEC. 6. *Be it further enacted*, That at the expiration of ten days after the rendition of any judgment or decree in said court, in which execution shall issue without further action by said court, or the register thereof, said clerk or register, as the case may be, shall issue execution, in term time, vacation or during the period of adjournment, returnable to the next term of said court, whenever requested so to do, in writing entered upon the docket and signed by the party entitled to such execution, or his attorney; *Provided*, that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately, as now provided by law; *Provided further*, that in case executions are not issued in either of the modes above prescribed, they shall be issued and returned as now required by law in the circuit and chancery courts of said counties respectively; *And provided further*, that nothing herein contained shall prevent the superseding of executions after the issue of the same upon filing the proper bond as now required by law.

SEC. 7. *Be it further enacted*, That the presiding

judge of said court shall have power to make and adopt such rules of practice as a proper system of practice may require, and he may amend the same from time to time as experience may suggest, and said rules shall be entered of record upon the minutes of said court in term time or vacation; *Provided*, that the judge of said court shall have power to direct for what weeks of the court either of regular or adjourned terms jurors shall be summoned or required to attend.

Rules of  
practice

SEC. 8. *Be it further enacted*, That appeals may be taken to said district court of Colbert and Lauderdale counties from justices or other inferior courts in said respective counties where such appeals may now or hereafter be by law taken from such justice or other inferior court to the circuit court of said counties respectively, and the manner of taking such appeals shall be the same as that provided by law for the appeals to said circuit court. The supreme court of the state shall have appellate and supervisory jurisdiction over said district court, and cases may be removed from said court to the supreme court in the same manner as from the circuit court, and in equity cases in the same manner as from the chancery court, and the appellate and supervisory jurisdiction of the supreme court over said court or the judge thereof shall be exercised in the same manner as in like cases it is exercised over the circuit or chancery courts of this state, or over the judges or chancellors thereof.

Appeals

SEC. 9. *Be it further enacted*, That the grand and petit juries shall be drawn and empaneled in the same manner, as is or may be provided by law for grand and petit juries in the circuit court of said counties except that the judge of said court shall at any time during said term, when he may deem it expedient in open court draw from the jury box now required by law to be kept and prepared in said counties, such numbers of petit jurors as may be required for the several weeks of said court, whether during the regular or adjourned holdings of said court, as now prescribed by law, and shall designate the week for which such jurors shall serve. Lists of the jurors and the weeks for which each shall serve shall be made and kept as now prescribed by law, and *venires* for

Juries

such jurors shall be issued in the same manner as for the circuit court, and the said district court shall have the same powers to issue special *venires* and call in tales jurors as the circuit court in said counties now has or may hereafter have, except so far as is altered by this act.

Laws apply-  
ing to dis-  
trict court

SEC. 10. *Be it further enacted*, That all laws of a general character that may hereafter be enacted, giving jurisdiction to the circuit and chancery courts of this state shall, unless the contrary be expressly provided, be held to extend and apply to the said district court may not be mentioned in said law.

Salary of  
judge

SEC. 11. *Be it further enacted*, That the salary of the judge of said district court shall be two thousand five hundred dollars per annum, and shall be payable quarterly, one half of such quarterly payment at the treasury of said county of Colbert and said county of Lauderdale respectively, upon the order of said judge; and shall be receivable in payment of county taxes, and for the payment of the salary of said judge a first lien and charge is hereby created on all the fees, fines, and forfeitures, which under existing, or laws hereafter passed, go to the respective counties of Colbert and Lauderdale; *Provided*, that the salary herein named shall be subject to reduction hereafter in the same manner, and at the same time, and by the same percentage of the salaries of the judges of the circuit courts.

Change of  
venue

SEC. 12. *Be it further enacted*, That the venue in any cause in said district court may be changed to some other county under the same rules and regulations as govern changes of venue in the circuit court cases, civil or criminal, that are now pending or may hereafter be pending in the circuit or chancery courts of Colbert or Lauderdale counties, may by consent of parties be transferred to said district court, which shall thereupon proceed and dispose of such cases as if they had been originally instituted in said district court, and in like manner by consent of parties, cases may be transferred from said district court to the circuit or chancery courts for said counties of Colbert and Lauderdale, and the clerk or register, from which said causes shall be so transferred, shall deliver and transfer

all the papers, pleadings and evidence pertaining to such causes, together with a certified copy of all minute entries made therein, to the files and dockets of the court to which such cases shall be so transferred.

SEC. 13. *Be it further enacted*, That the judge of said district court may when deemed expedient by him omit the summoning and empanneling of a grand jury for said district court for any term thereof, and the judge of said district court and the judge of the circuit court in which said counties of Colbert and Lauderdale, or either of them, are now or may hereafter be situated or placed, may by conference and agreement between them, determine which of said courts shall summon and have a grand jury for any of the terms of said courts, and when such agreement is made, notice shall be given by the judge of said district court to the officers charged with the duty of drawing and summoning grand jurors, stating to what court said grand jurors shall be summoned and the time to which they shall be summoned to appear. Either said circuit or district court may summon special grand juries as now or hereafter provided by law. Not more than two regular grand juries shall be empaneled in either of said counties in any one year. The grand juries of said counties shall return all indictments for misdemeanors and may return indictments for felonies to said district court, and the circuit court of said counties shall order all felonies, remaining on the criminal dockets of each of said counties in said court at the expiration of the term of said circuit courts transferred for trial to said district court for said county.

SEC. 14. *Be it further enacted*, That in all civil causes at law, and indictments for misdemeanors in said district court, the issues and questions of fact shall be tried by the court without the intervention of a jury, unless in a civil cause a jury be demanded by the plaintiff at the commencement of the suit or by the defendant at the time of filing his plea or demurrer, and by the defendant, charged with a misdemeanor, when his case is first called on the docket of said court; and when a jury is so demanded in a civil cause the sum of ten dollars shall be taxed as costs against

Grand juries

Trials without a jury

the unsuccessful party to be paid when collected into the county treasury for the use of the county in which said suit is brought; *Provided however*, that when a cause shall be transferred to said court the demand for a jury shall be made at the time of such transfer; and the failure to demand a jury as above directed shall amount to a waiver of the right of trial by jury.

Appeals to  
supreme  
court

Judgment  
upon evidence  
may be pre-  
sented for re-  
view

SEC. 15. *Be it further enacted*, That in the trial of any cause at law without a jury, in addition to the questions, which may be presented to the supreme court for review, under existing laws and rules of court, either party may, by a bill of exceptions, also present for review the conclusion and judgment of the court upon the evidence; and the supreme court shall review the same without any presumption in favor of the ruling of the court below on the evidence, and in case there be error, shall render such judgment in the cause as the court below should have rendered or reverse and remand the same as to the supreme court shall seem right.

Not changed  
by general  
law

SEC. 16. *Be it further enacted*, That the provisions of sections fourteen and fifteen of this act shall not be altered or changed by any general law unless such law shall be made expressly applicable to the said district court by name.

Deposit  
when suit is  
brought

SEC. 17. *Be it further enacted*, That whenever any civil suit is brought into said district court the party bringing such suit shall deposit with the clerk or register of said court the sum of five dollars if a jury is not demanded, if a jury is demanded then he shall deposit ten dollars, which shall be paid by said clerk or register into the treasury of the county in which said suit is brought, and shall be recovered by such plaintiff against the defendant as costs, if judgment or decree is rendered for the plaintiff in said cause; and in every criminal case in which a conviction is had a fee of ten dollars shall be taxed against each person convicted and collected as other costs in criminal cases are collected, and when collected shall be paid by the clerk of the court into the treasury of the county in which such conviction is had.

SEC. 18. *Be it further enacted*, That the sheriff or coroner and constables of the counties of Colbert and



Lauderdale shall be required to attend said district court, preserve order and execute and return its process as they now or may hereafter be required in the circuit and chancery courts, and that the fees of said officers for services rendered and the compensation of jurors and witnesses in said district court shall be the same as are now or may be hereafter allowed by law for services in the circuit and chancery courts, and such officers shall be subject to the same penalties in like cases, as when acting under the authority of the circuit or chancery courts. The judge of said district court shall have the authority to appoint a solicitor *pro tempore*, whenever the solicitor of the circuit, and the solicitor for the district provided for by section three of this act, are not present in court.

Duties of  
county officers

Solicitor *pro tem*

SEC. 19. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Laws in conflict repealed

Approved February 13, 1891.

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AN ACT

[H. 141

To increase the jurisdiction of justices of the peace in Blount, Fayette, Cherokee, Lamar, Franklin, Marion, Morgan and Chilton counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That justices of the peace in and for Blount, Fayette, Cherokee, Lamar, Franklin, Marion, Morgan and Chilton counties shall have concurrently with the circuit and county courts, jurisdiction of the following offenses, in addition to those enumerated in section 4233 of the code of Alabama: Assaults, assaults and batteries, and affrays in which no deadly weapon is used; all offenses under sections 3756, 3757, 3759, 3760, 3761, 3762, 3763, 3838, 3840, 3845, 3848, 3849, 3861, 3865, 3868, 3869, 3870, 3874, 3875, 3876, 3878, 3882, 3885, 3888, 3891, 4031, 4032, 4033, 4034, 4095, 4096, 4097, 4141, and when the value of the commodity which is the subject of the crime does not exceed ten dollars; of offenses under sections 3793, 3831, 3835, 3836 and 3837.

Jurisdiction  
of justice of  
the peace

SEC. 2. *Be it further enacted*, That in all cases tried under this act, the defendants shall have the right of appeal to the county court, or may demand a jury as provided in section 4238 of the code.

Approved February 13, 1891.

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AN ACT

[H. 644

To incorporate The Town of Leighton, in the counties of Colbert and Lawrence.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Leighton, in the counties of Colbert and Lawrence, be and the same is hereby incorporated, and that the corporate limits of said town shall extend one-half mile east and one-half mile in every other direction from where the South Tusculum and Courtland public road intersects the county line public road between the counties of Lawrence and Colbert as it now runs; and present and future inhabitants of the town of Leighton, as by this act incorporate shall be and they are by this act made and constituted a body politic and corporate under the name and style of The Town of Leighton, under and by which name and style the corporate authorities shall sue and be sued, answer and be answered unto, plead and be impleaded either in law or equity; and may purchase and hold personal or real property, and may mortgage or sell the same, and do all other acts incident to bodies corporate.

SEC. 2. *Be it further enacted*, That the government of said town shall be styled Mayor and Council of Leighton, and shall consist of a mayor and four councilmen, citizens who are of the age of twenty-one years and who have resided in said town of Leighton for one year next preceding their election, who shall serve for the term of one year, and until their successors are elected and shall qualify. Said officers shall be elected by the male inhabitants of said town over the age of twenty-one years, who shall have resided within its corporate limits thirty days next preceding the election.

SEC. 3. *Be it further enacted*, That all elections for said officers shall be held on the first Monday in March of each and every year. The mayor and councilmen shall, thirty days before the election of each year, appoint three supervisors, who shall conduct the election, except in the first election, which shall be held and managed by Claude King, G. W. Legette, and James McGehee, and in case of either of the abovementioned inspectors refusing to act, the qualified voters present may select an inspector in their place, and if all of said inspectors should decline to act, or are candidates for office, then the qualified voters may elect inspectors from those present. The mayor and council shall determine the legality of elections; declare who have been elected. Annual elections

SEC. 4. *Be it further enacted*, That any vacancy in the office of mayor or councilmen, such vacancy shall be filled by the remaining members of the board. Vacancy

SEC. 5. *Be it further enacted*, That the mayor and councilmen of said town shall have power: Powers of mayor and council

1. To employ a clerk, who shall assess the taxes; a marshal, who shall collect the taxes; also to employ counsel for advice and for prosecution of offenders, and the defense of all suits against said town of Leighton.
2. To determine the fees and salaries of said officers.
3. To pass such laws and ordinances as may be necessary to maintain the power herein granted.
4. To prevent and remove nuisances at the cost of the person or persons causing them.
5. To license, tax, regulate or restrain any or all shows or exhibits, public concerts or other amusements.
6. To prohibit all disorderly houses, houses of ill fame, races, prize fighting, cock fighting and gaming houses within the limits of said town.
7. To prevent and punish all breaches of the peace, and disorderly conduct, assaults, assaults and batteries.
8. To establish night and day police.
9. To prevent and disperse all unlawful assemblies.
10. To keep in repair all public wells, sidewalks, and streets, and to open the same when closed, and to keep the same free from obstruction.
11. To license and tax the sale of malt, and spirituous liquors, and to prohibit the sale the same within said corporat elimits, by any person without having procur-

ed license from the mayor, and councilmen of said town. 12. To license and tax billiard tables, bowling alleys and peddlers. 13. To prevent and punish violations of the Sabbath, any disturbance, or interference with public or private worship. 14. To punish by fine not exceeding fifty dollars, and imprisonment, or hard labor on the streets of said town, one or both, for not exceeding thirty days, any breach or violation of the laws, regulations, by-laws or ordinances of said town, and to punish for the non-payment of any fine due said town, by imprisonment or hard labor as aforesaid at the rate of one dollar per day; *Provided*, that in all cases wherein the judgment shall have been rendered against any person, he shall be entitled to an appeal to the circuit court of the counties of Colbert and Lawrence under the rules and regulations prescribed by the laws of this state in cases tried by justices of the peace.

Rate of tax

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy on all property, real and personal, or mixed, within the limits of said corporation, such taxes as may be necessary to defray the expenses of said corporation, not exceeding one-tenth of one per cent of the assessed value of said property, and to collect and enforce the same according to the provisions of this act.

Assessment  
for taxation

SEC. 7. *Be it further enacted*, That an assessment of all the property of said town subject to taxation shall be made annually to the owner of said property, if known; otherwise, assessed to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor must proceed to assess from the best information he can obtain. The assessment, when completed must be returned to the mayor and councilmen, who shall cause ten days notice to be given of the time and place

Correction of  
errors

when and where the board will correct errors. When errors have been corrected, the assessment must be marked approved. The assessment so approved shall have the force and effect of a judgment and execution, and the person collecting said taxes may, on failure on the part of the owner of such property to pay such or said taxes, collect the same by levy upon, and sale of such property, or any other property owned by such

delinquent tax-payer; *Provided*, that no property is exempt from such tax, and the tax herein provided is to be on the same footing, and of the same grade as taxes levied for state and county purposes. All sales of real or personal property under the provisions of this act must be advertised by posting notice for fifteen days, in three public places in said town, and such advertisement must contain a description of such property, the name of the person to whom assessed and the amount of the taxes for which it is to be sold. The right of redemption of real property so sold shall be the same as the right of redemption provided by the laws of Alabama. Tax sales

SEC. 8. *Be it further enacted*, That all persons residing within the corporate limits of said town liable to road duty, shall be liable and are hereby required to work on the streets of said town, and are exempt from road duty; *Provided*, that all such persons shall be exempt from working on such streets by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year. Working streets  
Street tax

SEC. 9. *Be it further enacted*, That in addition to the powers herein granted, the mayor and councilmen shall have the power to pass all the laws and ordinances necessary for the peace and health and good government of the inhabitants of the town of Leighton. Powers of mayor and council

SEC. 10. *Be it further enacted*, That the marshal elected or appointed under the provisions of this charter, shall have the same power to arrest offenders, and to execute processes and to enforce the by-laws and ordinances passed by the mayor and council, as constables and sheriffs have in their respective offices, and shall be vested with authority in discharge of his duties as is conferred on said constables and sheriffs by the laws of the State of Alabama. Powers of marshal

SEC. 11. *Be it further enacted*, That the mayor shall possess all power and jurisdiction of a justice of the peace in civil and criminal cases and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be entitled to such fees as are allowed justices of the peace, and his signature or act as mayor in such cases shall be of equal force as Jurisdiction of mayor

if done by him expressly as a justice. He shall, a-mayor, have exclusive original jurisdiction to hear, ad-judge and determine all suits, prosecutions or proceeds ings of the charter, ordinances or by-laws of the corporation ; he shall have jurisdiction of all proceedings by motion, *scire facias*, or other suits and penal bonds payable to the mayor or councilmen taken under this act, or the ordinances of this corporation, including proceed- ings and suits against the officers of this corporation and the sureties on their official bonds for non-payment of taxes, other moneys collected or received or for oth- er delinquencies or defaults in office, and upon the judgment of the mayor in any case in any branch of his jurisdiction as mayor or as justice, execution or ap- propriate process, as the case may be, from any of the circuit courts of this state, and for his services as may- or he shall receive such a sum as may be fixed by the councilmen, not to exceed one hundred dollars per year as salary.

Pay of coun-  
cilmen

Mayor pro  
tem

SEC. 12. *Be it further enacted*, That the four councilmen shall receive for their services such a sum as they may determine, not to exceed twenty-five dol- lars, each councilman, per year; and in case of the ab- sence of the mayor, they shall elect a mayor *pro tem.*, and shall meet once a month.

SEC. 13. *Be it further enacted*, That this act shall commence and take effect from the date of it.

Approved February 13, 1891.

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AN ACT

[H. 152

To incorporate the "Alabama Northern Railway Com- pany," and to further the construction of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That George H. Parker, Robert Hen- derson, Eugene M. Cole, John E. F. Aylmer, David M. Kelly, Richard Leipmann, George V. Maynard, Will- iam Coyile, and Suttan L. Fuller be and they are here- by, with such other persons as may associate with them for that purpose, constituted a body politic and



corporate by the name of the "Alabama Northern Railway Company," and by that name, or by such other as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, to make a common seal and the same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase, for investment or development, and to have and enjoy and secure their franchises within any other state that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of said corporation, not contrary to the laws of this state; and generally, to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the carrying out of the objects and purposes of this act.

SEC. 2. *Be it further enacted*, That the said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines of tracks of rails from Cullman, in Cullman county, Alabama, northerly, or northeastwardly to the Tennessee state line, and also, from said Cullman southwestwardly to the Mississippi state line, with branches on the same, on such route or routes as may be found best; and on such railroad and branches said company is authorized to take and carry for hire, persons and property by the power and force of steam, animal, or other mechanical power, or any combination of them; *Provided*, That nothing in this act shall be taken or construed to exempt said corporation from regulation of rates and fares and control by the legislature of this state.

SEC. 3. *Be it further enacted*, That for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out the same not exceeding one hundred (100) feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, car sheds, or chutes, eating houses, car, or depot yards, wharves, piers, docks or other structures necessary or convenient for the busi-

Name, rights,  
etc

Route

Right-of-  
way

ness of the company, and for the purpose of cuttings, and embankments, and for switches, connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber, or other materials, or for the purpose of protecting its structures, may take as much more land as the necessities of such company from time to time require for the use and protection of said railroads and structures; *Provided*, No such property shall be taken or applied unless just compensation to the owner shall first be made as required by the constitution of the state to be determined as hereinafter set out, but said company may previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad and structures; *Provided*, That no right to condemn private property to the use of said company is conferred by this charter except that conferred by the constitution of Alabama upon railroads incorporated thereunder.

Purchase of  
other roads

SEC. 4. *Be it further enacted*, That said company may, in lieu of constructing any portion of its line or branches, purchase or acquire by lease, for a term not exceeding one hundred years, the road bed of any other railroad or any portion of any other railroad whose line may be located in whole or in part along the line of its proposed railroad, or branches, or said company may, for the purpose of making through lines, make common stock or any other lawful contract, whereby it may sell or lease, as aforesaid, to such other company any or all of its said railroad or branches, and the franchises thereof.

Right-of-

SEC. 5. *Be it further enacted*, That there is hereby granted to the said company a right-of-way, way over any portion of the lands of the state.

Along the  
right-of-way  
of other  
roads

SEC. 6. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location, or wherever the topography of the locality may require, the said railway company may cross or build along the right of way of any other railroad for a consecutive distance, not exceeding in any case ten miles, and said railroad or branches may be built across or on and along any of the highways, or public roads of the county, or across or along the streets of any incorporated town or city through which it may be necessary

to pass, or across any of the navigable water along the line of its route or routes; *Provided*, that the said highways, roads, and streets shall after construction of said railroad thereon or thereover, be restored to as good a condition as practicable and in crossing the Tennessee river at any navigable point, it shall place therein a drawbridge, giving a clear passage of not less than fifty feet; *Provided*, that in such case the right of way shall be condemned under the forms of law as now provided, and the consent of incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right-of-way before the same shall be used and occupied.

SEC. 7. *Be it further enacted*, That the capital stock of said company may be one million dollars; but said company may commence operations whenever so much as ten thousand dollars of said capital stock shall be subscribed bona fide, in money labor or property. The capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct.

Capital stock

SEC. 8. *Be it further enacted*, That said company may contract, purchase, or lease and own and operate lines of steamships, steamboats, or any other vessel or water craft, within or without this state, or the United States in connection with their railroads, for the purpose of transporting coal, iron, and other products to the markets of the world, or carrying passengers, or they may make joint stock, or otherwise consolidate, or make any lawful working contract with any line of steamboats or vessels for the purpose aforesaid.

May own  
steamboats  
etc

SEC. 9. *Be it further enacted*, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven members as shall from time to time be fixed by the by-laws adopted by the stockholders of said company and in such officers and agents as said directors shall appoint and authorize under the by-laws of said company. The board of directors shall consist of stockholders annually chosen by the stockholders of said company. A majority of the directors shall be a quorum for the

Board of di  
rectors

Officers      transaction of business. They shall elect annually one of their number to be president, who shall also be president and executive officer of the company, and a secretary and treasurer, who shall give such bonds as may be required by such board. Such board shall also have power to require to be paid the sum subscribed by stockholders in such manner and at such time as it may deem proper, and on refusal or neglect on the part of any stockholder to pay such installments, the shares of such delinquents may after thirty days notice be sold at auction under such rules as the directors may previously prescribe, the surplus if any, from the proceeds of sale after payment of the balance due, shall be paid to such stockholders; but nothing herein contained shall prevent said company from collecting, by proper proceedings at law, the amount due on any subscription.

If stockholder refuses to pay

Books of subscription      SEC. 10. *Be it further enacted*, That after thirty days notice given by publication, in some newspaper in the city of Cullman, by three of the corporators, as named in the first section of this act, the said corporation or a majority of them, shall assemble in the city of Cullman, either in person, or by proxy, authorizing some one to act for them in the organization of the company, and shall arrange to open books of subscription to the capital stock of the company in such manner as they may see fit.

Subscriptions to stock      SEC. 11. *Be it further enacted*, That subscriptions to the capital stock of this company shall be taken payable in money, labor or property, at their money value to be named in the lists of subscriptions, and in the event of a failure to perform the labor or other service, and to deliver the property according to the terms of the subscription, the subscriber shall be bound to pay the amount named in the subscription list in money. Five per cent of all subscriptions, whether for money, labor or property, shall be paid to the corporators in money at the time the subscription is made.

Organization      SEC. 12. *Be it further enacted*, That when ten thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, and as much as one thousand dollars in money paid up, the board of corporators shall call the subscribers

together by notice given in such manner as they may direct, for the purpose of organization, and a majority of the stock so subscribed being present either in person or by proxy, they shall proceed to the organization of the company by electing from among the stockholders themselves no less than five nor more than eleven directors to manage the affairs and business of the company for the ensuing twelve months, or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president or executive officer, and such persons as they may see fit for secretary and treasurer, to serve for such period and under such conditions as the by-laws may direct; and such other officers, agents and servants as the by-laws may fix.

SEC. 13. *Be it further enacted*, That upon the organization of the said company, the board of corporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, lists, notes, obligations and other papers taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations and other papers shall be the property of the company, and shall be binding on the company, as if taken by themselves.

Duty of corporators

SEC. 14. *Be it further enacted*, That said company shall not be required to condemn and appropriate in the first instance all property which is needful for it in the future development of its business, but from time to time as its necessities and convenience shall require, may appropriate, upon paying just compensation therefor as hereinbefore provided, and may acquire such additional property as may be necessary and convenient.

May condemn property, etc

SEC. 15. *Be it further enacted*, That the company may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds, or other evidences of debt, and by a vote of the majority of its stock had at a meeting called for the purpose by advertising in some newspaper published in Cullman, Alabama, for thirty days, may secure the payment of notes, bonds, or other evidences of debt by a mortgage or deed of trust on its franchises and any and all of its property, both real and personal.

May borrow money

Express and  
telegraph  
lines

SEC. 16. *Be it further enacted*, That said railroad company may construct and operate an express line, and telegraph and telephone line or lines in and along and upon any and all portions of its right-of-way, of its main line and branches, both for its own use or for doing a public telegraph, express and telephone business, but said company shall not be compelled to do any express, telephone or telegraph business on its said lines or at any particular station unless it so desires; *Provided*, That the right to construct such express, telegraph or telephone lines shall not exclude any other person or persons, or a corporation to construct similar lines of telegraph or telephone lines along such right-of-way as now provided by law.

Laws in con-  
flict repealed

SEC. 17. *Be it further enacted*, That all laws and parts of laws in conflict herewith, and the provisions hereof be, and the same is hereby repealed.

Approved February 13, 1891.

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AN ACT

[H. 869

For the relief of needy confederate soldiers and sailors, residents of Alabama, who from wounds or other cause, are now unable to earn a livelihood, and for the widows of such as were killed or died in said war, and have not since remarried.

Relief of  
needy con-  
federates,  
etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any resident of this state, who while in the military or naval service of the state or confederate states, lost an arm or leg, or the use thereof, or who received such wound in said service as to render him unable, physically, of making a livelihood by labor, or who from any other cause, such as sickness, or old age, is now physically unable of making a livelihood by labor, shall be entitled to the benefit of this act, as hereinafter provided; and any such resident who desires to avail himself of the provisions of this act, must, within six months after its passage, for the first year, and before the first day of June in each subsequent year, present a written application to the

Annual ap-  
plication



judge of probate of the county wherein he may reside, setting forth that he was a resident of the state at the time of the passage of this act, and is a resident at the time he makes such application, naming the company and the regiment or command under which he served, and his present business or employment, which statement must be sworn to before such judge of probate and the original thereof shall be kept by the judge of probate as an office paper, and a copy thereof transmitted without delay, to the auditor, with a certificate of the probate judge that he believes such statement there made entitled to credit, if such probate judge believes such statement to be true; *Provided*, That any widow who resides in this state, and whose husband was either killed, died of disease or from wounds during said war, and whose husband died within five years after the close of the war, either from wounds received, or from disease contracted during the war; *And provided*, said widow has not since married, shall be entitled to the equal benefits of this act, upon making satisfactory proof to the probate judge of the county in which such surviving widow may reside; *And provided further*, that neither soldiers nor the surviving widows, whose taxable property exceeds \$600, shall be entitled to the benefits of this act.

Duties of  
judge of  
probate

Widows

SEC. 2. *Be it further enacted*, That upon the receipt of any copy and certificate as aforesaid, it shall be the duty of the auditor to register immediately a synopsis of the same, with the name of the applicant, in a book to be kept for that purpose, and at the expiration of each fiscal year after the passage of this act, the proceeds of a special tax, hereinafter provided for, must be divided among the claimants, and the auditor must draw separate warrants on the treasurer, payable to the order of each applicant, for a sum not exceeding in amount \$50 for each applicant, which sum it shall be the duty of the auditor to transmit to the probate judge of the county in which the applicant resides; *Provided*, That should any surplus remain after carrying out the provisions of this act, it shall be retained in the treasury.

Duties of  
auditor

SEC. 3. *Be it further enacted*, That any applicant under this act, who shall swear falsely as to any

Perjury

material matter set forth in his or her application, shall be guilty of perjury.

Special tax      SEC. 4. *Be it further enacted*, That to carry out the provisions of this act, a special tax of one-half of one mill on each one dollar of the taxable property of the state shall be assessed and collected annually, as other taxes, but separately reported by assessors and collectors, and set apart in the treasury to carry out the provisions of this act; but the benefits of this act shall not enure to any soldier or the widow of any soldier who owns \$400 worth of taxable property.

Duties of assessors and collectors      Exempt from benefits      Probate judge      SEC. 5. *Be it further enacted*, That any probate judge who shall knowingly make a false certificate under this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$1,000.

Blind      SEC. 6. *Be it further enacted*, That \$1,200 each year of said special tax is appropriated hereby to be distributed among confederate soldiers who lost their sight in the confederacy, or this state, or who have since lost their sight from the effect of wounds received or disease contracted in said service; *Provided*, Said blind person has not taxable property of the unencumbered value of \$1,000 or gross income or salary over the sum of \$1,000 per year, and shall be a resident of this state at the date of the passage of this act.

Duties of auditor      No Fees      SEC. 7. *Be it further enacted*, That it be made the duty of the auditor, upon the approval of this act, to furnish each judge of probate in this state with such rulings and instructions relative thereto as will firmly and justly carry out the purposes and objects of the same; *Provided*, It shall be unlawful for any person who shall receive any money for the benefit of any claimant under this act to deduct anything from the amount allowed said claimant, as fees for services or otherwise.

Not entitled to benefits      SEC. 8. *Be it further enacted*, That no person shall be entitled to the benefits of this act, who holds an office, the salary of which exceeds \$400.00 per year, except such who have lost their sight in the confederacy, or this state, or who have since lost their sight from the effect of wounds received or disease contracted in said service, and no person shall receive any of the benefits of this act, whose salary or gross income amount to the sum of \$400.00 per year.

SEC. 9. *Be it further enacted*, That this act shall <sup>In effect six</sup> cease to be of force and effect after six years from the <sup>years</sup> date of its approval by the governor.

Approved February 13, 1891.

287]

AN ACT

[H. 1073

To divide the State of Alabama into Nine Congressional Districts.

SECTION 1. *Be it enacted by the General Assembly* <sup>Congression-</sup> of Alabama, That the State of Alabama is hereby <sup>al districts</sup> divided into nine congressional districts, as follows, viz:

The first congressional district shall consist of the <sup>First</sup> counties of Marengo, Choctaw, Clarke, Monroe, Washington and Mobile.

The second congressional district shall consist of the <sup>Second</sup> counties of Montgomery, Pike, Crenshaw, Covington, Butler, Conecuh, Escambia, Baldwin and Wilcox.

The third congressional district shall consist of the <sup>Third</sup> counties of Lee, Russell, Bullock, Barbour, Dale, Henry, Coffee and Geneva.

The fourth congressional district shall consist of the <sup>Fourth</sup> counties of Dallas, Chilton, Shelby, Talladega, Calhoun and Cleburne.

The fifth congressional district shall consist of the <sup>Fifth</sup> counties of Lowndes, Autauga, Tallapoosa, Elmore, Macon, Coosa, Chambers, Randolph and Clay.

The sixth congressional district shall consist of the <sup>Sixth</sup> counties of Sumter, Pickens, Greene, Tuskaloosa, Lamar, Fayette, Marion and Walker.

The seventh congressional district shall consist of the <sup>Seventh</sup> counties of DeKalb, Marshall, Etowah, Cullman, St. Clair, Wilson, Cherokee and Franklin.

The eighth congressional district shall consist of the <sup>Eighth</sup> counties of Jackson, Madison, Limestone, Morgan, Lauderdale, Lawrence and Colbert.

The ninth congressional district shall consist of the <sup>Ninth</sup> counties of Jefferson, Bibb, Hale, Perry and Blount.

Approved February 13, 1891.

288]

AN ACT

[s. 421]

To change the corporate name of the Alabama Loan and Banking Company, of Florence, Alabama.

Change of  
name

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporate name of the Alabama Loan and Banking Company, of Florence, Alabama, a corporation heretofore created and organized under and by virtue of and in accordance with an act of the General Assembly of Alabama, approved February 28, 1889, entitled an act to incorporate the Alabama Loan and Banking Company, of Florence, Alabama, be and the same is hereby, at the request of the corporation, changed to "The Bank of Florence."

Rights, pow-  
ers, etc

SEC. 2. *Be it further enacted*, That said corporation shall have and possess and may exercise, under the name of the "Bank of Florence," all the rights, powers, franchises, privileges and immunities heretofore vested in it under the name of the Alabama Loan and Banking Company of Florence, Alabama, as set forth in the act referred to in the foregoing section.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 13, 1891.

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AN ACT

[s. 286]

To incorporate the Jasper Water Works Company.

*Whereas*, The Jasper Water Works Company desire to be incorporated; and

*Whereas*, In the judgment of the General Assembly the object of the corporation cannot be obtained under the general laws,

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That L. B. Musgrove, E. G. Storey, J. C. Musgrove, T. L. Sowell and E. W. Coleman, and such other persons as they may associate with them, their successors and assigns, be and they are hereby created and constituted a body politic and corporate under the

name and style of the Jasper Water Works Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use a common seal, which they may alter or renew at pleasure, and may enact and execute such by-laws, rules and regulations for government and management of the affairs of said company as they may deem expedient, and may elect or appoint such officers and agents as may be necessary.

SEC. 2. *Be it further enacted*, That until a board of directors be elected by the shareholders as herein directed, the incorporators hereinbefore named shall be the board of directors, and may open books in the city of Jasper for subscriptions to its capital stock, to be made upon such terms as to payment as said board, by resolution to be placed at the head of the subscription list may prescribe. When the sum of fifty thousand dollars has been subscribed and one thousand dollars paid in cash, said provisional board of directors shall call a meeting of the subscribers at such time and place as they may direct. At said meeting the subscribers shall elect a board of directors to serve one year from that date and until their successors are elected, and proceed to organize said corporation. Upon filing with the judge of probate of Walker county a certificate of organization as herein directed, signed by a majority of the incorporators in the first section of this act named, said corporation may enter upon and thereafter trans-

Books of sub-  
scription, etc

SEC. 3. *Be it further enacted*, That the object and business of said company shall be to procure, establish and construct and own water works within or near the corporate limits of said city of Jasper, and to send and distribute water throughout the said city and places adjacent thereto, and to that end may purchase and hold any real and personal property, the rights and franchises within the county of Walker and counties adjacent, and any other property that may be necessary and expedient for the carrying on of said business, and also to that end and for that purpose the said company is hereby authorized and empowered, by its officers and persons in its employment, to enter upon, survey and mark out or lay off any land between the place or

Object and  
business

places from which the waters for the purposes aforesaid are to be drawn, and the place or places for the distribution thereof for the route or course thereof, and to dig, construct, lay or make any dam, reservoir, ditch, canal, pipes, tubes of any material or size, or aqueducts of any kind that the said company may deem best for the conducting of such water to the city of Jasper, or the vicinity thereof, and from time to time, and at any time afterwards, to enter upon and dig and work upon said lands along the aforesaid route or course for the purpose of laying, relaying, examining, repairing, altering or amending such canal, channel pipes, tubes or aqueducts, by and with the consent of the owners of such lands. If said corporation cannot agree with the owners or parties authorized to sell the property desired to be acquired, then the said corporation may proceed to obtain and acquire the property or interest so desired in the mode prescribed by law for the taking of private property for the use of other persons or for public use.

Authority of  
company  
SEC. 4. *Be it further enacted*, That said company is hereby authorized to construct all needed canals and ditches and by pipes and aqueducts as may be found best suited for the purpose, to carry into said town, or the vicinity thereof, by such line or route as may be found best, such water as may be needed from any point in said Walker county. In the laying of its pipes and the construction of aqueducts when required, said corporation is hereby authorized to use free of charge any and all public roads of said county and streets and alleys of said town, but when its pipes are laid in or under said roads and streets, or its other works completed, said corporation shall without delay restore said roads and streets to their original condition for use as public highways and thoroughfares, and for the purposes herein and hereby authorized, and to perform the public duty hereby declared; and by the acceptance of this charter imposed upon it said corporation shall have the right to enter upon any land of private persons, and therein and beneath the surface thereof to lay pipes for the conveyance of said water, and thereafter to repair and maintain the same, but said corporation shall not enter upon any private lot



in said town without the consent of the owner thereof, and before entering upon any private property must first pay to the owner thereof such reasonable compensation for its use of said land for the purpose herein declared as may be agreed upon with said owner, or in case of disagreement, as may be ascertained upon proceedings for that purpose, as directed by law for the condemnation of private property or the use thereof to public use.

SEC. 5. *Be it further enacted*, That for the purpose of carrying out the objects of its incorporation the said company is hereby authorized in order to obtain a supply of water for its reservoir, pipes and canals, to take, divert, use and condemn the water of Blackwater creek, and lands to construct dams and reservoirs in said county, and for this purpose said company may institute proceedings of *ad quod damnum* against the riparian owners of said creek or lands in the probate court of Walker county, Alabama, as a proceeding *in rem* against the water of said creek and the riparian rights of the subjacent riparian owners by a petition addressed to said court under and as nearly in conformity as practicable with the provisions of article two, chapter fifteen, of title two of part three of the code of Alabama, and upon the filing of such petition the jurisdiction of said court shall attach to the remand; the judge thereof shall cause monition or notice signed by him as such judge, addressed "to all whom it may concern," to be given of the filing of said petition, and of the purport, in general terms thereof, to be published in some paper printed in the city of Jasper, for twenty days prior to the day to be appointed by him for the hearing thereof, and also cause a copy of said notice to be posted by the sheriff of said county, in some conspicuous place at or near the place or point on said stream where it is proposed to deflect said water from its natural channel. and thereafter the proceedings in said cause upon said petition shall be had and conducted after the manner as near as practicable, as is provided in said article two, of chapter fifteen, of title two of part three of the code. Except that no personal notice shall be necessary to be given to the individual riparian owners along said stream, and

May condemn creek,  
land, etc

when said damages are so assessed and determined they shall be paid into the said probate court, by said company for the use and benefit of all persons who may suffer damage by reason of the diversion of said water, and thereafter the rights of all the subjacent riparian owners shall be transferred to and be invested in the said money so paid into court, and thereafter the said court shall give notice requiring all persons claiming any interest in said money so paid in, to come into court and propound their claim thereto. From any and all of these proceedings authorized by this section, the right of appeal to the circuit court of Walker county, Alabama, is hereby given to any person whose rights of property are affected thereby; *Provided*, said appeal is taken within thirty (30) days from the date of the rendition of the judgment from which the appeal is prayed.

Capital stock SEC. 6. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to fifty thousand dollars, to be increased by additional shares to five hundred thousand dollars, as the business of said company may require and at the option of a majority in value of the stockholders; said stock may be paid either in money or property.

May issue bonds, etc SEC. 7. *Be it further enacted*, That the said company may by a majority vote of its stockholders borrow money to carry into effect the objects and provisions of this charter and to issue its bonds and to secure their payment by mortgage on its property and franchises.

Contracts SEC. 8. *Be it further enacted*, That said company shall have the right to make contracts with individuals and corporations for the water to be supplied by it and to charge for and collect such water rates, and compensation therefor as may be contracted to be paid to them.

Injury to works SEC. 9. *Be it further enacted*, That if any person or persons shall willfully injure or destroy any portion of the water works, reservoirs, fixtures or other property of said company, or shall willfully deposit any offensive or unwholesome substances or matter in the reservoir pipe or stream supplying the same, or

shall open a communication into any of the mains or pipes thereof, otherwise than by the authority of the said corporation, or its lawful or authorized agents, such person or persons shall be guilty of a misdemeanor and subject to prosecution in any court having jurisdiction of such offense in Walker county, Alabama, and on conviction shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, one or both at the discretion of the court trying the same. Penalty

SEC. 10. *Be it further enacted*, That the said company be, and is hereby authorized to acquire by contract, with any person or persons, corporation, company or association, any and all kinds of property that may be needful for its purpose and pay therefor such amount of money as may be agreed upon in stock of the said water works company. May acquire property

SEC. 11. *Be it further enacted*, That if at any time the said company shall desire to change the point of the deflection of the water of said Blackwater creek from the point first condemned, according to the provisions of section five of this act, then the said company shall have full power and authority to institute other proceedings according to the provisions of said section five against any and all other riparian rights of subja-cent riparian owners along said Blackwater creek. Changes

Approved February 13, 1891.

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AN ACT

[S. 14

To amend and confirm the charter of the Foster Hardware Manufacturing Company, a corporation organized under the general incorporation laws of the state; to change the name of said company and to reduce the amount of the capital stock.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation of the Foster Hardware Manufacturing Company, a corporation organized under the general laws of the state, in DeKalb county, Incorporation confirmed

is hereby confirmed; and that the name of the said company is hereby changed to the Alabama Hardware Manufacturing Company; and said Alabama Hardware Manufacturing Company is authorized to reduce its capital stock from four hundred thousand dollars to two hundred thousand dollars.

Approved February 13, 1891.

291]

## AN ACT

[H. 312

To amend an act entitled an act to incorporate the town of Gordon in Henry county, Alabama, approved February 1st, 1872.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled an act to incorporate the town of Gordon in Henry county, Alabama, approved February 1st, 1872, be and the same is hereby amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Gordon, in the county of Henry be and the same is hereby incorporated and the corporate limits of said town shall extend so that the boundary lines of said incorporation shall run east, west, north and south, forming a square and each of said boundary lines shall be one mile long, and that the exact southwest corner of the Methodist Episcopal Church (South) lot in said town be the exact center of incorporation of said town.

SEC. 2. *Be it further enacted*, That an election shall be held on the first Monday in January, 1891, and each and every year subsequent, to commence at 11 o'clock, a. m., on said day, and close at 3 o'clock, p. m., for the purpose of electing one mayor and four councilmen of said town of Gordon, who shall take their seats on day of election, or as early thereafter as they can be qualified, and said mayor and councilmen shall hold their offices for the term of one year, and until their successors in office can be qualified, except the mayor and councilmen elected on the 1st day of January, 1891, shall take their seats on the first Mon-

day in March, or as early thereafter as they can be qualified. Said election shall be held by the mayor and two councilmen, and in the absence of the mayor, by a majority of the councilmen. Due notice must be given of said election by posting written notices at three public places in said town for ten days before said election. All persons within the corporate limits shall be entitled to vote in said election, who are qualified voters for members of the general assembly of this state, who have resided in said town ten days before such election, and said mayor so elected shall ex-officio be a justice of the peace, and have all the jurisdiction that justices have, by the laws of the state within said county of Henry.

SEC. 3. *Be it further enacted*, That said mayor and councilmen may elect a clerk and treasurer and a marshal; they shall each severally take and subscribe an oath as follows, to-wit: I, A. B. (or as the case may be) do solemnly swear that I will to the best of my abilities discharge all duties incumbent upon me as mayor (or as the case may be) of the town of Gordon, during my term ex-officio, so help me God; together with the oath of office, required by the constitution of the State of Alabama, which oath shall be filed in the office of the judge of probate of said county; and it shall be the duty of the mayor to preside at all meetings of the said councilmen, and to preserve order and decorum; and in his absence or incapacity, any councilman may be called to the chair and preside and the mayor and councilmen are hereby constituted a body politic and corporate by and under the name and style of The Mayor and Councilmen of the Town of Gordon, by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and in general to do and perform all acts which are incidental to all bodies corporate, to purchase and hold or dispose of for the benefit of said town, real, personal and mixed property to the value of any sum they may see fit.

Clerk, treasurer and marshal

Duties of mayor

SEC. 4. *Be it further enacted*, That said mayor and councilmen, or a majority of them are hereby invested with full power to keep open and in good repair the

Powers of mayor and council

Powers of  
mayor and  
council

streets and alleys of said town, and to condemn lands for new streets, also the ditches and sewers in said town, and to preserve peace and order, to impose fines in cases of assault and batteries, and for violation of the ordinances of said town, in any sum not exceeding twenty dollars and to collect the same; to prevent and remove nuisances, to suppress gaming of every description, to establish night watches and patrols, and to punish for neglect of patrol duty; to restrain or tax shows or exhibitions, and the sale of spirituous liquors in said town, to impose a fine not exceeding twenty dollars for any violation of the by-laws, for the purpose of carrying into effect the powers herein granted, and all other powers for the good government of said town, not inconsistent with the laws of the state, and of the United States, which powers are hereby expressly granted to said corporation. Said mayor is hereby further invested with power and authority to suppress all affrays, riots, unlawful assemblages, insurrections, and breaches of the peace, all lewd, indecent, profane, riotous or disorderly conduct in any public place in said town; to do which he may summon any number of male inhabitants, residing in said town, to aid him, which he may think proper. He may also, and is hereby invested with full power to punish for contempt in the same manner, and under the same rules and regulations prescribed by the code of Alabama in reference to the punishment of contempt by justices of the peace.

Sec. 5. *Be it further enacted*, That the said mayor and councilmen shall have the power to levy a tax on the property of said town, to raise money for the purpose of properly managing the affairs of said corporation; and said mayor and councilmen shall have the power to appropriate money from the treasury of said town to and for the benefit of the schools of said town in any amounts they may deem proper, to and for the best interests of the citizens thereof, not inconsistent with the laws of the state, and of the United States. It shall be the duty of the clerk to issue all executions for taxes and fines, which may be necessary, and to issue all necessary process from said board of councilmen, and deliver the same to the marshal, and it shall be the duty of the marshal to serve and execute all

Duty of  
clerk and  
marshal



papers, writs, summons and other process issued by said mayor, corporation and the clerk thereof, collect all executions for taxes and fines, and to pay the same over to the treasurer, and do and perform all other duties which may be enjoined on him by the laws and rules and by-laws of said corporation. Said marshal, clerk and treasurer shall enter into such bond and security for the faithful discharge of their respective duties, such sums as may be prescribed by said council, payable to said mayor and his successors in office before entering upon their respective duties, as the said council may decide and require.

Bonds of  
officers

SEC. 6. *Be it further enacted*, That the mayor and councilmen shall have the power to remove from office the clerk, treasurer or marshal, upon satisfactory reasons and to appoint others; and to fill all vacancies in the board of either mayor or councilmen, who shall hold until the next general election, and also fix the salaries of such officers as in their judgment they may deem sufficient.

Removal  
from office,  
etc

Approved February 14, 1891.

292]

AN ACT

[H. 559

To ratify and confirm the agreement of consolidation made by and between the Jefferson Iron Company, and the Irondale Company of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the agreement of consolidation made by and between the Jefferson Iron Company and the Irondale Company of Jefferson county, bodies heretofore incorporated under the laws of Alabama, on the 18th day of April, 1890, recorded in the probate office of said county, in volume 144 commencing on page 199, and which said agreement is in words as follows, to-wit:

Agreement  
confirmed

*Whereas*, At a meeting of the board of directors of the Jefferson Iron Company, of Jefferson county, Alabama, and of the Irondale Company of said county and state, held respectively at Catasauga, Penn., on

Consolidati'n  
of two com-  
panies

Consolidation  
of two com-  
panies

the 27th day of February, 1890, the said board of directors of each of said companies, respectively recommended to the stockholders of each of said companies, the adoption of the following plan for the consolidation of said companies, viz: That the stock of the said Jefferson Iron Company now existing and recognized by the said company as follows: Ellis Phelan, two thousand two hundred shares, at \$50 per share; James H. McKee, nine hundred and six shares, at \$50 per share; James Thomas, four hundred and fifty-two shares, at \$50 per share; Wm. R. Thomas, one hundred and fifty-one shares at \$50 per share; James W. Fuller, one hundred shares, at \$50 per share; John Thomas, one hundred shares, at \$50 per share; Daniel Nelson, eighty shares, at \$50 per share; Samuel Thomas, sixty shares, at \$50 per share; B. F. Swartz, fifty-one shares, at \$50 per share; W. F. Carter, fifty shares, at \$50 per share; V. W. Weaver, fifty shares, at \$50 per share; heirs of Joshua Hunter, fifty shares, at \$50 per share; Dodson Brothers, fifty shares, at \$50 per share; C. W. Middleton, forty shares, at \$50 per share; C. W. & H. Middleton, forty shares, at \$50 per share; E. W. Middleton, twenty shares, at \$50 per share; forty-four hundred, be called in and cancelled. That the stock of the Irondale Company as the same is recognized by the company viz: Ellis Phelan, at \$50 per share, thirteen hundred shares; Mrs. John Phelan, at \$50 per share, thirty-four shares; James H McKee, at \$50 per share, four hundred and eighty-six shares; James Thomas, at \$50 per share, one hundred and fifty shares; W. R. Thomas, at \$50 per share, fifty-one shares; D. B. Miller, at \$50 per share, two hundred and thirty-seven shares; James W. Fuller, at \$50 per share, thirty-four shares; John Thomas, at \$50 per share, fifty-four shares; Daniel Melson, at \$50 per share, forty-three shares; Samuel Thomas, at \$50 per share, thirty-three shares; B. F. Swartz, at \$50 per share, seven shares; W. T. Carter, at \$50 per share, seven shares; V. W. Weaver, at \$50 per share, twenty-seven shares; heirs of Joshua Hurst, at \$50 per share, twenty-seven shares; Dodson Brothers, at \$50 per share, twenty-seven shares; C. W. Middleton, at \$50 per share, twenty-two shares; C. W. & H. Middleton,

at \$50 per share, twenty-two shares; E. W. Middleton, at \$50 per share, eleven shares. Total 2602 shares, be called in and cancelled. That there be issued to the stockholders of the said Irondale Company stock in the consolidated company, in the same amount and character, as they respectively held in the said Irondale Company, as shown above, and if there has been any transfers of said stock, not yet entered on the books, then the new stock is to be issued to the transferees. That the capital stock of the said consolidated company shall be \$130,100.00, divided into shares of \$50 each. That the name and charter of said Irondale Company be adopted as the name and charter of the said consolidated company, except that the capital stock shall be \$130,100 as above. That the directors of the said consolidated company shall consist of seven members, and that until there is a meeting of the stockholders of the consolidated company to elect directors, the present directors of the Irondale Company, shall be the directors of the consolidated company, and said plan of consolidation was submitted in writing by the board of directors of the said company, respectively, to the stockholders of the said Jefferson Iron Company, and the Irondale Company, respectively at a meeting held by each of said companies, at Birmingham, Alabama, on the 17th day of April, 1890, and at said meeting of said companies, respectively, said plan was adopted by each of said companies by a unanimous vote of the persons holding the entire amount of the capital stock of each of said companies, respectively, which vote of the said stockholders, of each of said companies, was duly entered on the minutes of the respective corporations aforesaid. Now therefore, in order to carry out said plan in accordance with the statutes of Alabama, the said Jefferson Iron Company, and the said Irondale Company, through their respective presidents, James H. McKee and Ellis Phelan mutually agree that the consolidation of the said companies, as above set forth, and adopted, shall be faithfully carried out.

In testimony whereof, the said companies, respectively, by this presidents aforesaid duly authorized

Issuing of  
stock

Directors

Consolidati'n

thereto, hereto set the name of their respective companies, affix the seal on this 18th day of April, 1890.

Corporate Seal	}	
Jefferson Iron Company.		The Jefferson Iron Company, James H. McKee, President.

Corporate Seal of	}	
Irondale, Company.		The Irondale Company, by Ellis Phelan, President.

be and the same is hereby in all things ratified and confirmed.

Approved February 14, 1891.

293]

AN ACT

[H. 631

To provide for a charter for the town of Carbon Hill, in Walker county, Alabama.

Charter

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Carbon Hill, in Walker county, Alabama, and the present and future inhabitants of said town, shall be, and they are by this act contained, made and constituted a body corporate and politic under the name and style of the town of Carbon Hill, under and by which name and style, and acting by and through the proper officers of said incorporation hereafter to be designated, all the corporate powers and privileges of this town by this act granted, shall be executed and carried into effect as required and under its corporate name aforesaid, the said town corporaton shall contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, hold, sell, grant, a lien and mortgage, assure and let property real and personal, may have and use a common seal, which may be changed at pleasure, and do and perform all acts incident to such incorporation not inconsistent with the laws and constitution of this state.

Elections

SEC. 2. *Be it further enacted*, That an election shall be held in said town of Carbon Hill, on the 4th Monday in July, 1891, and every two years thereafter, (this

charter to be in full force and effect from and after its passage under the present board of mayor and aldermen), for the purpose of electing a mayor and as many aldermen as may be necessary to best serve the interest of said town of Carbon Hill; and such mayor and aldermen shall have been citizens of said town of Carbon Hill for twelve months next preceding the election; said mayor and aldermen shall serve for the term of two years, and until their successors in office are elected and qualified; and all persons living within said incorporation thirty days, and are qualified voters for members of the general assembly of this state, shall be entitled to vote in said municipal election. If from any cause said town fails to hold an election on the day specified by this act, they shall within thirty days hold an election; *Provided*, That notice of such election shall be published in a newspaper published in said town, or by posting notices in three or more public places in said town, ten days prior to the day set for such election, and all boards of managers of said corporation election shall be appointed, and the place of holding said election shall be designated by the mayor and board of aldermen. The mayor and aldermen shall declare the result of elections and declare who are the only elected officers, and in case of a tie shall determine who shall be mayor and aldermen; but the corporation shall not be dissolved should there be no election as herein prescribed, and should said mayor and aldermen fail or refuse to order such election within thirty days, they shall be guilty of a misdemeanor and three citizens, legal voters of said town, may order said election as directed in this section. That any election held under this act, may be contested in the same manner as is, or may be provided by the laws of this state, for the contest of the elections of judge of probate, and shall, so far as practicable, apply to the contest of all elections held under this act.

SEC. 3. *Be it further enacted*, That the mayor and board of aldermen, together with the town marshal, and treasurer, and clerk, or secretary, each of which officers the board of mayor and aldermen shall elect, shall severally before they enter upon the dis-

Oath of off

charge of their duties, take oath as prescribed by the constitution of the state, and an oath for the faithful performance of the duties of the office upon which they are about to enter.

Meetings

Duties of  
mayor, etc

SEC. 4. *Be it further enacted*, That the board of mayor and aldermen shall meet once in each month, and it shall be the duty of the mayor to preside at all meetings, and in his absence an alderman may be called to the chair and the mayor and aldermen are hereby declared a body politic and corporate by the name and style of mayor and aldermen of Carbon Hill, by which name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits in law or equity, and perform all acts which are incident to bodies corporate, and to buy, hold, or dispose of for the benefit of said town any real or personal or mixed property to the value of twenty thousand dollars.

Street tax

SEC. 5. *Be it further enacted*, That the mayor and board of aldermen or a majority of them shall have full power to keep open and in good repair the streets of said town, and for that purpose may levy a tax not exceeding five dollars on all male persons in said town who are liable to work on public roads under the laws of the State of Alabama, and in default of payment of said taxes, may require such person or persons to work on the streets of the said town.

Powers of  
mayor and  
aldermen

SEC. 6. *Be it further enacted*, That the mayor and aldermen shall have full and complete power; 1st. To remove nuisances. 2nd. To establish night and day police. 3rd. To erect and maintain a town jail. 4th. To erect and maintain a guardhouse. 5th. To erect lamps. 6th. To regulate sidewalks and drives. 7th. To sink, repair and regulate public wells and cisterns. 8th. To establish and construct drains, sewers, aqueducts and reservoirs, and be empowered to make and pass all ordinances pertaining thereto. 9th. To compel owners of lots or real property to ditch or drain the same at the expense of the owners. 10th. To regulate and control the running of cars and locomotives upon or across the streets, avenues, or through the town, with power to arrest and bring to trial any person or persons violating the same, and any person so arrested



and convicted may be required, at the discretion of the mayor, to work upon the streets of said town. 11th. The marshal shall have power to arrest on good information, with or without warrant. 12th. Said mayor and aldermen shall have power to contract or be contracted with according to the powers granted in this charter in behalf of the corporation. 13th. To close houses and places for the sale of intoxicating liquors, when the public safety and peace may require. 14th. To establish, open, alter, cut down, fill in, vacate, widen, extend, grade or otherwise improve all streets, avenues, sidewalks and alleys. 15th. To regulate the speed of horses within the corporation. 16th. To be empowered to enforce quarantine regulations within the police limits. 17th. To restrain and punish vagrants and prostitutes. 18th. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted herein, with such fines and penalties as the board shall deem proper; *Provided*, no fine or penalty shall exceed one hundred dollars, and no sentence to imprisonment shall exceed thirty days. 19th. To arrest fugitives from justice. 20th. To require the mayor to give bond in the sum or in such sum as the majority of the board may see fit, and the secretary and treasurer be each required to give a good and sufficient bond, to be approved by the mayor, and may collect a license tax of not more than five hundred dollars on the sale by retail of spirituous or malt liquors on each retail or wholesale dealer within said corporation, and may revoke said license for good cause; *Provided*, such liquors are ever allowed to be sold anywhere within said corporation by and under the laws of the state; to preserve the peace and good order of the town; to enact and publish and regulate by-laws and ordinances necessary for the good and orderly government of said town, not inconsistent with the constitution and laws of the state; to tax or restrain all kinds of shows, concerts, circuses, or amusements for which an entrance fee is charged, and the mayor, at his discretion, may permit exhibitions for church, charity or school purposes to be given free; and they shall, as soon as convenient after their election, jointly elect a town marshal, treasurer, and secretary

Powers of  
mayor and  
aldermen

Election of  
officers

Duties of secretary	for said town, and it shall be the duty of said secretary to keep a record of all transactions of the board, draw and sign, in connection with the mayor, all orders on the treasurer, write and post or publish all ordinances, notices of sale or election, and to assess the taxes of said corporation, as well as to keep written up the mayor's docket, draw bonds and so forth, keep on file in safety all bonds, books and papers belonging to said corporation, and shall receive as fees for his services as follows: For each tax assessed by him the owner of the property failing after notice, to make his tax return—fifty cents—for drawing each bond, fifty cents; for docketing each case, fifty cents; and when the various taxes have been assessed he shall after the same is approved by the board, deliver them to the marshal whose duty it shall be to
Fees	collect all taxes and turn the money over to the treasurer, and said marshal shall be allowed two and a half per cent. and not over five per cent of all the taxes thus collected, except the street tax collected by him, in addition to his fees as are set and regulated by the by-laws and ordinances of said town, and he shall make bond to be approved by the mayor, and perform such other duties as may be required of him by the mayor and aldermen. The treasurer shall make bond subject to the mayor's approval, and shall receive and hold all moneys belonging to said corporation, and pay the same out only on the order of the mayor and secretary.
Duties of marshal	
Duties of treasurer	

Police juris-  
diction

SEC. 7. *Be it further enacted*, The town council shall have police jurisdiction of the territory as is now embraced in said corporation limits as the same was heretofore incorporated under the general laws of the state, and within one half mile thereof. The territory outside of said corporation limits embraced in said police jurisdiction shall be known as the police limits of said town, and persons violating any of the ordinances of said town within said police limits shall be guilty of a misdemeanor and liable to the same punishment by said corporation authorities as for the violations of said ordinances within the corporate limits.

SEC. 8. *Be it further enacted*, That the town of Carbon Hill, and all lands within the police limits,

together with all that portion within one mile outside and all around the town boundary shall be a separate school district, and shall be known as the school limits of said town.

SEC. 9. *Be it further enacted*, That the majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at the regular place of meeting, and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board of mayor and aldermen may see proper; that the said board may determine the rules of its proceedings, and may fine its members for absence or disorderly behavior. In the absence of the mayor, or in case of sickness or temporary absence from the town, or inability to serve for any good cause, he may appoint any one of the aldermen to act as mayor during such sickness or absence, or inability, or if the mayor fail or refuse to appoint them the board of aldermen may appoint one of their members to act, and such mayor *pro tempore* shall have all the powers of the mayor, and shall perform all the duties of the same.

SEC. 10. *Be it further enacted*, That said corporation shall have power to levy on all property real, personal and mixed within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation not to exceed the rate prescribed by the constitution and laws of the state for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

SEC. 11. *Be it further enacted*, That an assessment of all the property within the limits of the town subject to taxation, by the laws of the state, shall be made annually to the owner of said property, when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain. The assessment when completed, must be returned to the mayor and aldermen, who shall cause ten days notice to be given by posting or by publishing the same in a newspaper published in the town,

- Collection of taxes of the time and place when corrections will be made ; when corrections shall have been made as above provided, the assessment must be marked "approved." The assessment so approved shall have the force and effect of a judgment and execution, and on failure on the part of the owner of any property to pay said taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property, or any other property of any kind, owned by such delinquent taxpayer; *Provided*, That no property of any description shall be exempt from taxation by the town, except such property as is exempt from taxation by the laws of the state; *And Provided further*, That all sales of property under the provisions of this act must be advertised by posting notices thereof, or by publishing in some newspaper published in the town for fifteen days or more, which notice must contain a description as levied on, the name of the person to whom assessed, when known, and the amount of taxes for which it is to be sold. Certificates of purchase must be given by the officer making the sale of said property for the collection of said taxes, and shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold shall be the same as provided by the laws of the state, and at the expiration of the time for the redemption of property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property in accordance with the laws of the state in relation thereto, and shall be entitled to the same pay therefor as provided in other cases.
- Advertising Right to redeem SEC. 12. *Be it further enacted*, That the mayor and aldermen be and they are herein empowered to make all laws necessary to punish all persons who in any way obstruct the marshal or any officer acting under him, in the lawful discharge of his or their duty, and that the penalty shall be the same as resisting or hindering any sheriff of the state, and any one refusing to assist said officer shall be guilty as if he had refused to assist any sheriff of the State of Alabama.
- Resisting officer, etc. SEC. 13. *Be it further enacted*, That the citizens of said town shall be exempt from working on public roads other than the streets of said town.
- Working on streets

SEC. 14. *Be it further enacted*, That the mayor have the same authority to punish for contempt of court in the same manner and under the same rules and regulations as provided by the laws of Alabama in reference to punishment for contempt by justices of the peace; and shall have jurisdiction of all misdemeanors committed within the corporate or police limits of said town.

Authority of  
mayor

SEC. 15. *Be it further enacted*, That said corporate limits to embrace the following lands: Commencing three hundred feet south of the Kansas City, Memphis and Birmingham railroad to the southeast corner of the said town as platted and surveyed by the Kansas City, Memphis and Birmingham Railroad Company, thence north to the northeast corner of said plot, thence west to the northwest corner of said plot, thence south to the section line, thence along said section line three hundred feet south of railroad, thence parallel with said railroad to the place of beginning.

Corporate  
limits

SEC. 16. *Be it further enacted*, That the mayor and aldermen of said town of Carbon Hill are hereby authorized to pass any ordinance regulating the payment or requiring the payment of privilege taxes on any business or avocation carried on in said town not inconsistent with the constitution and laws of the State of Alabama.

License tax

Approved February 14, 1891.

294]

AN ACT

[H. 276

To confirm the charter of the Birmingham Building and Loan Association; To define and declare the powers; To provide for the increase of the capital stock, and to extend the time within which said Association shall continue to exist as a corporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of the Birmingham Building and Loan Association heretofore effected and had under the general laws of the State of Alabama as a building and loan association, and all the acts of said association thereunder and

Charter  
confirmed

done as a building and loan association, be and the same is hereby in all respects ratified and confirmed.

Rights, powers, etc      SEC. 2. *Be it further enacted*, That said association shall have and possess all the rights, powers, privileges and immunities conferred by the general laws of the state upon building and loan associations incorporated under the general laws of the state, and all general laws applicable to building and loan associations incorporated under the general laws of the state, shall be and are hereby made applicable to said association.

Increase of capital stock      SEC. 3. *Be it further enacted*, That the capital stock of the Birmingham Building and Loan Association may be increased to a sum not exceeding five million dollars, with the consent and by vote of the persons holding the larger amount in value of the stock, at a meeting of the stockholders called for that purpose, of which meeting, and the purpose for which it is called, thirty days notice must be given to the stockholders by publication for four consecutive weeks, in some newspaper published in the city in which the corporation is located, and if at such meeting, the persons holding the larger amount in value vote for such increase, the proceedings of the meeting must be reduced to writing, signed by the president of the association, and filed and recorded in the office of the judge of probate of Jefferson county, Alabama.

Shall exist twenty years      SEC. 4. *Be it further enacted*, That the said Birmingham Building and Loan Association shall continue to exist as a corporation, with all its rights, powers, and privileges, for the term of twenty years from the passage of this act; and during such continued existence, said association shall have all the rights, powers, and privileges now conferred, or that may hereafter be conferred by the laws of the state upon building and loan associations incorporated under the general laws of this state.

Approved February 14, 1891.



295]

## AN ACT

[H. 551]

To confer additional powers upon the Jasper Land Company, a corporation whose charter was ratified and confirmed by an act of the General Assembly of Alabama, approved February 27, 1889, for the purpose of enabling the said Jasper Land Company to enhance the value of its property.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Jasper Land Company, a corporation whose charter was ratified and confirmed by an act of the General Assembly of Alabama, approved February 27, 1889, be, and it hereby is authorized to contract with the municipal authorities of the city of Jasper or any corporation or person or persons for the grading, curbing and paving and repairing of any and all streets, avenues and alleys and the construction of sewers and the constructing of water works, and may enter into any contract for the development and improvement of its property, or any property adjacent to that owned by it.

Authority to  
construct

SEC. 2. *Be it further enacted*, That the said Jasper Land Company be, and it is hereby authorized to construct, own and operate a railroad or railroads, or tramroad or tramroads from the said city of Jasper to any point or points where it now owns or may hereafter own any real property.

May con-  
struct rail-  
roads, etc

Approved February 14, 1891.

296]

## AN ACT

[H. 287]

To ratify and confirm the charter of the Lady Ensley Coal, Iron and Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of the Lady Ensley Coal, Iron and Railroad Company, heretofore effected by and under proceedings had in the probate court of the county of Franklin, in this state under the general laws thereof, for the objects

Corporation  
confirmed

Rights, powers, etc

and purposes, and with the rights and powers set forth in said proceedings and certificate of incorporation dated on the 26th day of November, 1890, namely: to acquire and own, sell or exchange when necessary or desirable, and to open, develop and use mineral lands; to mine iron, coal and other minerals to be found on said lands; to quarry stone or marble; to make coke and melt ores; to purchase already-built, or to build and to own and operate all necessary houses, machinery, reservoirs, quarries, works, coke ovens, mines, iron furnaces, railroad tracks, depots, switches, turnouts, pumps, pumping apparatus, railroad cars, tramways, tram cars, barges, steamboats, steam engines, or other motors and motive powers; and generally all appliances, buildings, machinery, works, vehicles, mules, horses, etc., that may be necessary or proper to the business of the corporation. And it is authorized to sell the ores and other products of its mines and quarries when it shall choose to do so, and to buy the products and ores of other quarries and mines when it shall so choose, and it may, at its option, use its coal, coke, ores and stone in its own furnaces, smelting works, or other industrial mechanical business. It may use its railroads, tramways, steamboats, tow-boats and barges, for freighting its own products or the products of others to market. It may, and is authorized if found to be desirable, manufacture its own products and the products of others, and for that purpose may acquire, build and own and operate rolling mills or other factories and machinery, steel works, pipe works, and any other kind of manufactories of such products, and may sell its manufactored products when it shall find markets. For the convenience and aid of its general business it may have store houses and stocks of general merchandise and whatever may be necessary, and sell the goods and supplies so kept. The corporation shall have all the rights, powers, privileges and franchises which may properly pertain to it as a mining, quarrying and manufacturing corporation under title 1, part 2, chapter 5 and chapter 12, of the code of Alabama of 1886, and the additions and amendments thereto, and under any other laws or parts of laws of the state of Alabama; and shall exercise any and all of

such rights and powers, privileges and franchises when and in such manner as may be necessary and proper for carrying out its objects and business. It shall also have the right to lease and purchase, and to hold and own the real personal or mixed property or stock or franchises of other corporations engaged in any similar business, and said corporation may pay for the same in money, bonds or notes, or by the issue of its own stock on such terms and in such amounts and upon such conditions as said corporation through its stockholders, or its board of directors, when duly authorized, may determine. In the management of the affairs of the corporation the stockholders may vote in person or by proxy whenever the vote of the stockholders is required. The principal office or place of business of said corporation shall be at Russellville, in the county of Franklin, in the State of Alabama; but it may also have offices in Birmingham and Sheffield in said State of Alabama, or elsewhere in said state if needed, or at other places in other states if needed. The said corporation may hold regular and called meetings of its stockholders and board of directors, and also to do all other corporate acts in other states of the Union, and especially in Memphis and Nashville, Tennessee, and in the city of New York, State of New York, when it may be to the interest of said corporation, in its own judgment, to do so; and it may hold meetings of its stockholders and its board of directors in the State of Alabama at places other than where its principal office is, if it may choose to do so. The said corporation shall have power to subscribe for or purchase, and to hold and to vote up- on shares of the capital stock of other mining, quarrying and manufacturing corporations chartered under the laws of the State of Alabama, and to pay for such shares in money, bonds, notes, or by an issue of its own stock on such terms as it may deem best to promote its business and interests. The said company having been in all respects duly organized according to law as appears from the declaration report of the commissioners appointed to open books of subscription, the minute entry of the organization of said corporation and the affidavit of the person authorized to receive the subscription, be and the same are hereby in all respects rati-

Principal  
place of  
business

Meetings

Shares in  
other cor-  
porations

Organization  
confirmed

fixed and confirmed, and all acts of the said Lady Ensley Coal, Iron and Railroad Company thereunder are hereby confirmed

Approved February 14, 1891.

297]

AN ACT

[s. 441

To amend and enlarge the charter of the Florence Loan and Trust Company, incorporated under the general laws of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in addition to the powers and authority given by law to the Florence Loan and Trust Company, said corporation shall have the right and power to buy, sell, and hold and mortgage real and personal property; to loan money on real estate, personal property and other security; to purchase, sell and hypothecate mortgages and deeds of trusts; to purchase and sell United States government, state and municipal bonds and other securities; to buy and sell real estate, personal property and securities on commission; to negotiate loans and to guarantee the payment of the principal or interest thereof, one or both if desired; to issue bills of exchange, foreign or domestic; to discount, buy, sell, hypothecate or collect bills of exchange, promissory notes or other evidences of debt or bonds or securities or choses in action; to buy, sell and hypothecate gold and silver bullion and coin; to receive deposits of money or things of value; to endorse and become security for individuals, firms or corporations who may negotiate loans through it, including the right to endorse and rediscount or pledge bills of exchange, promissory notes or other evidences of debt, and to accept and execute such trusts as may be committed to it by individuals, corporations or courts, and to charge and collect therefor such compensation not inconsistent with the laws of this state as may be agreed upon by the parties interested, except as herein otherwise provided.

Additional  
powers, etc

May act as  
fiscal agents

SEC. 2. *Be it further enacted,* That said corporation shall have the power to act as the fiscal agent of any

state, town, domestic or foreign corporation or municipality in receiving, disbursing or investing of money or other property, for issuing, registering or counter-signing bonds or certificates of stock, paying coupons, negotiating the sale of securities or stocks, and guaranteeing the genuineness and payment of the same, principal and interest, one or both, and for such services may charge and collect such compensation as may be agreed upon.

SEC. 3. *Be it further enacted*, That said corporation shall have the power to receive for safe keeping any valuables that may be entrusted to it, and receipt for the same by its president, treasurer, or other officer who may be appointed by the directors for that purpose, and may guarantee such deposits at such value and for such compensation as may be agreed upon between said corporation and said depositor.

Valuable for  
safe keeping

SEC. 4. *Be it further enacted*, That said corporation may be appointed by any court of competent jurisdiction guardian of any infant or person *non compos mentis*, or executor or administrator of the estate of any deceased person, or trustee of any express trust, active or naked, created by law, and shall be subject to the duties and responsibilities; shall have the same powers, and shall receive the same compensation as may be fixed by law for a natural person holding similar offices or trusts, and on its appointment to any such office or trust, such corporation shall be required to give security by the court; *Provided, however*, that this corporation shall not be required to accept any such office, appointment or trust without its own assent.

SEC. 5. *Be it further enacted*, That any court having jurisdiction to make or approve any such appointment of guardian, executive or administrator or trustee, or to order money deposited in said corporation, shall have the power before making or approving such appointment or order, or at any time thereafter to examine the officers of the corporation on oath or affirmation as to its financial condition and as to its ability to meet its obligations, and the extent of its financial liabilities, and if deemed advisable by said court or courts, a suitable person may be appointed to investigate the affairs and management of said incorporation, who shall re-

May be ap-  
pointed  
guardian,  
executor,  
etc

port on oath to said court the manner in which its investments are made and the security afforded to them by or for whom its engagements are made; the expenses of such investigation to be paid by said corporation.

**MAY BECOME SURETY**  
 SEC. 6. *Be it further enacted,* That said corporation shall have power and authority to become sale surety in any case when by law one or more sureties may be required for the faithful performance of any trust or office or for the performance of any act or duty, or the meeting of any obligation; also, to become surety for the fidelity of persons holding places of responsibility and trust, for which it may charge and collect such compensation as may be agreed upon between said corporation and the party at whose instance such suretyship is undertaken.

**INCREASE OF CAPITAL STOCK**  
 SEC. 7. *Be it further enacted,* That the capital stock of said corporation may be increased to an amount not exceeding five hundred thousand dollars by vote of the majority in value of the stockholders of the corporation at any stockholders meeting.

**MAY DO ALL THINGS NECESSARY OR DESIRABLE**  
 SEC. 8. *Be it further enacted,* That said corporation may make and enter into such contracts and arrangements, and do and perform all such matters and things as may be necessary or desirable, directly or remotely for its welfare and protection to carry out the several purposes of the corporation, and to secure the legitimate benefits as contemplated by its charter under the general laws and this amendment and enlargement thereof.

Approved February 14, 1891.

298.]

AN ACT

[s. 383

To incorporate the town of Moulton, in Lawrence county, Alabama.

Charter

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Moulton, in Lawrence county, Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall em-



brace an area of land as follows: The centre of said town shall be the court-house in said county of Lawrence, from which point the limits shall extend one-half mile in every direction. Corporate limits

SEC. 2. *Be it further enacted*, That an election shall be held in the town of Moulton on the first Monday in March, 1891, and on the first Monday in January, annually thereafter, for the purpose of electing a mayor and four councilmen, male inhabitants over the age of twenty-one years, a resident of said town twelve months next preceding their election, who shall be householders or freeholders, who shall serve for the term of one year and until their successors in office are elected and qualified; *Provided*, That the mayor and councilmen who are elected on the first Monday in March, 1891, shall hold their office until the first Monday in January, 1892, and until their successors are elected and qualified, which election shall be held by some justice of the peace of the county and two freeholders of said town; and all subsequent elections shall be held and conducted by the mayor and two councilmen, and in the absence of the mayor, by a majority of the councilmen. All persons living in said town who are qualified to vote for members of the general assembly of the state, are entitled to vote in said town election, and said elections shall in all respects be conducted in the same manner as state and county elections, except as hereinafter provided. Elections annually

SEC. 3. *Be it further enacted*, That the mayor and councilmen, together with the town marshal, treasurer and clerk, each of which officers the mayor and councilmen shall elect, shall severally, before they enter upon the discharge of their duties, take the oath as prescribed by the constitution of the state, as well as the following: "I do solemnly swear that I will perform all the duties required of me, (as mayor councilmen, clerk, treasurer, or marshal, as the case may be) to the best of my ability and judgment, so help me God;" a certificate of which oath shall be filed with the records of the board. It shall be the duty of the mayor to preside at all meetings of the councilmen, and preserve order, and in his absence any councilmen may be called to the chair, and the mayor and council- Oath of office  
Mayor and council

men are hereby declared a body politic and corporate by the name and style of Mayor and Councilmen of Moulton, by which name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity, and shall have power to keep a common seal and the same to alter and amend at pleasure, and in general to do and perform all acts which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, personal and mixed property to the value of seven thousand dollars.

Powers of  
mayor and  
council

SEC. 4. *Be it further enacted*, That the mayor and councilmen or a majority of them are hereby invested with full power to keep open and in good repair the streets of said town and for that purpose may levy a tax of not exceeding three dollars on all persons within the corporate limits who are liable to work on public roads of the state, and in default of payment of said taxes may require such persons to work on the streets of said town for a period of six days in each year; said road tax to be collected by the first of March, of each year; to prevent or remove nuisances; to establish night and day police, and a town jail or guard-house; to erect lamps; to regulate the paving and digging of drains, repair sidewalks; to prevent by adequate penalties the injury or destruction of shade or ornamental trees in said town; to license, tax and restrain at pleasure theatrical amusements, shows and menageries of all kinds whatsoever within said corporation; also to tax or license any business carried on in said corporation as they may deem right; to preserve the peace and good order of said town; to enact and publish any regulations, by-laws, and ordinances necessary and proper for the good and orderly government of said town, not inconsistent with the constitution and laws of the state, and to enforce the observance of said regulations by-laws and ordinances by fine not exceeding fifty dollars for each violation thereof and imprisonment not exceeding ten days in the town prison; and any person not paying or securing his fine shall work on the streets of said town to pay said fine and cost; and the compensation of said person per day for working out said

fine and cost shall be fixed by the mayor and councilmen.

SEC. 5. *Be it further enacted*, That the mayor and councilmen shall have power to levy and collect tax Taxès on the inhabitants of said corporation on all articles and subjects of state taxation to raise money for properly governing and managing the affairs of the corporation and enforcing its laws and ordinances, and the powers granted by the provisions of this charter, and they shall, as soon as convenient after their election, elect by joint ballot a clerk, treasurer, and marshal for said corporation, and it shall be the duty of said clerk to issue all executions for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and security, payable to the corporation, the amount to be fixed and approved by the mayor before he enters on the duty of his office; and the mayor and councilmen shall have power to remove from office the clerk, marshal and treasurer, and elect others, and may fix the salaries and fees to be received by all officers of said corporation, and if deemed advisable may require the marshal to give bond for the faithful performance of this duty; *Provided*, that the tax levied and collected by said corporation on the property of citizens therein shall not be more than one half of one (1%) per cent. of the value of said property.

SEC. 6. *Be it further enacted*, That the citizens of said town shall be exempt from working on public Exempt from road duty roads.

SEC. 7. *Be it further enacted*, That the mayor and councilmen shall have power to open new streets with- Streets in the corporate limits of said town, or change, alter or close such streets as now or hereafter may be opened within the limits of said town; *Provided*, the owner of the property shall receive full compensation for the property so occupied, the amount of same to be assessed by the mayor and councilmen, who shall hear evidence and assess the amount of damages, and the owner of the land shall have the right to appeal to the circuit court of said county.

Duties of

mayor

SEC. 8. *Be it further enacted*, That the mayor of said town is a conservator of the peace within the corporate limits thereof, and it is his right and duty to suppress all affrays, riots, unlawful assemblies and insurrections, and lewd, indecent, profane, boisterous, riotous or disorderly conduct at any public place therein, or any other violation of the by-laws and ordinances of said town, to do which he may summons to his aid as many persons as he may deem necessary, and he has also full power to punish for contempts in the same manner and under the same rules and regulations prescribed by the laws of Alabama in reference to the punishment of contempts by justice of the peace. He has full power to try all offenders against all the by-laws and ordinances of the said corporation without regard to the amount of fine and punishment, or forfeiture, and to punish the offenders both by fine and imprisonment in the same manner prescribed by said by-laws and ordinances, and the marshal of said corporation has full authority to execute all the laws, ordinances, regulations, by-laws and orders of said corporate authority within his jurisdiction, and must without warrant arrest all offenders breaking the peace or violating any ordinance of the town in his presence, and bring them before the mayor, and for any other breach of the peace or violation of the ordinances he shall arrest the offenders upon due and legal process, and in order to the execution of his powers and duties he may summons to his aid as many as he may deem necessary.

Jurisdiction  
of mayor

SEC. 9. *Be it further enacted*, That the mayor of said town shall be ex-officio justice of peace, and shall have jurisdiction of beat No. 7, in said county, this being the beat in which said town is located, and it shall be the duty of the mayor to issue warrant for the arrest of any person supposed to have committed any offense in said town.

Notices of  
elections

SEC. 10. *Be it further enacted*, That notices of the time and place for holding of elections in said town shall be given by posting notices at the court house, post-office and one other public place in said town, for ten days preceding the election. The said notices must show what officers are to be elected, and the

notice of the election on the first of March 1891, must be given by the sheriff of said county, and notices of all the elections thereafter must be given by the mayor of said town.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and are hereby repealed. Laws in con  
flict repealed

Approved February 14, 1891.

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# AN ACT

[H. 431

To fix the times and places of holding the Circuit Courts in the various counties composing the Ninth Judicial Circuit of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit courts in the counties Ninth circuit composing the ninth judicial circuit of the State of Alabama shall be held at the respective court-houses thereof, in each year as follows:

1. In the county of Cherokee, on the second Monday in January and July, and at each term may continue three weeks.

2. In the county of DeKalb, on the third Monday after the second Mondays in January and July, and at each term may continue four weeks.

3. In the county of Jackson, on the seventh Monday after the second Mondays in January and July, and at each term may continue four weeks.

4. In the county of Marshall, on the twelfth Monday after the second Mondays in January and July, and at each term may continue three weeks.

5. In the county of Blount, on the fifteenth Monday after the second Mondays in January and July, and at each term may continue two weeks.

6. In the county of Etowah on the seventeenth Monday after the second Mondays in January and July, and at each term may continue four weeks; *Provided*, That this act shall not take effect until after the spring terms of said courts are held for the year 1891.

Approved February 14, 1891.

To incorporate the town of Riverside in St. Clair county.

Name, rights, etc SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Riverside in St. Clair county be and the same is hereby constituted a body corporate and politic by the name of the town of Riverside and by that corporate name may sue and be sued, have a common seal and change the same at pleasure, and do and perform all acts as natural persons in respect to the powers herein granted, may purchase and hold real, personal and mixed property and dispose of the same for the benefit of said town.

Corporate limits SEC. 2. *Be it further enacted*, That the corporate limits of the said town of Riverside shall be as follows: One mile in every direction from the present residence of James R. Coleman, except on the east side of said town where the line dividing the counties of St. Clair and Talladega comes nearer said residence than one mile, the same line at such places to be the line of said corporation.

Elections annually SEC. 3. *Be it further enacted*, That the government of said corporation shall consist of and its corporate powers shall be by a mayor and five councilmen who shall be elected on the third Monday in March, 1891, and every year thereafter by ballot by the male inhabitants thereof, over the age of twenty-one years, who are entitled to register and vote under the law of this state at any general election. Said election shall be held by and under the direction of the sheriff of St. Clair county at some convenient place in said town of Riverside. Said sheriff shall give ten days notice of said election by posting written or printed notices thereof in said town, and shall appoint three inspectors and one returning officer, and he shall conduct said election in the same manner as the elections for members of the general assembly. The said inspectors shall certify to the result of such election, and the returning officer shall make the returns thereof to the sheriff who shall with-



in five days thereafter declare the election, giving the casting vote if any two or more persons shall receive an equal number of votes, and shall give to the persons elected certificates of election. The persons so elected before entering on the discharge of the duties of their respective offices shall take an oath before an officer authorized to administer the same, to faithfully discharge the duties of such office, which oath shall be filed in the office of the judge of probate of said St. Clair county. The said mayor and council shall continue in office for twelve months from the day of their election, and until their successors are elected and qualified. If from any cause an election should not be held every year on said third Monday in March, the said sheriff shall as soon as practicable appoint another day of holding such election not more than thirty days after such regular day, of which he shall give the like notice, and on the day so appointed, shall open and hold an election in the manner above prescribed, and if from any neglect or fault of the sheriff or from any other cause, an election for mayor and councilmen shall not be held on the regular election day within thirty days thereafter, as above provided, then the mayor of the town shall appoint a day for holding such election, not more than sixty days after the time fixed for holding such regular election, of which he shall give the like notice, and on the day appointed shall hold such election in the same manner as above provided, and in holding such election he shall have all the powers and perform the duties of such sheriff.

SEC. 4. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said town who has not resided therein for one year next preceding the election.

Qualificati  
to hold off

SEC. 5. *Be it further enacted*, That the ballots cast at any election held under this act, shall after being counted, be carefully sealed up by the inspectors and deposited by them in the office of the probate judge of said St. Clair county, who shall preserve the same for twenty days after the result of said election is declared, and then if there be no contest the said probate judge shall cause the same to be destroyed, but

Disposition  
of ballots

in the event of a contest they shall be delivered to the judge trying the cause.

**Contests** SEC. 6. *Be it further enacted*, That any election held under this act may be contested in the same manner as is, or may be provided for by law for contesting the election of probate judge, and all the provisions of such laws, in relation to contesting the election of probate judge shall so far as the same are, or may be applicable, apply to the contest of any election held under the provisions of this act.

**Vacancies** SEC. 7. *Be it further enacted*, That if the mayor or any councilman during the term of his office after qualifying shall die, resign or remove from the corporation, refuse to act, or be permanently disabled from acting, the remaining members of the board shall by ballot elect in his stead another mayor or councilman, who shall have the qualifications prescribed in this act, and who after being qualified shall hold such office until his successors is elected and qualified.

**Qualifications** SEC. 8. *Be it further enacted*, That councilmen shall be judges of the qualifications of the mayor, and the mayor and remaining councilmen shall be judges of the qualifications of a councilmen.

**Quorum** SEC. 9. *Be it further enacted*, That the mayor and two councilmen shall constitute a quorum for the transaction of business, and in the absence of the mayor three councilmen shall constitute a quorum to transact business. The mayor and councilmen shall fix their own sessions, and special meetings of the board may be called by the mayor, or by any two of the councilmen. In cases of sickness or temporary absence of the mayor the councilmen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor *pro tem* shall exercise all the powers and perform all the duties of mayor.

**Mayor pro tem**

**Duties of mayor** SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside at all meetings of the council, keep order, put questions, and take votes, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and try all cases coming before him, and on conviction punish the persons committing the offense, as provided by law in

such cases, and he shall have authority while holding his court to punish any contempt of his court by fine and imprisonment for such contempt, but the fine shall not exceed ten dollars, and the imprisonment shall not exceed twenty-four hours.

SEC. 11. *Be it further enacted*, That the mayor and council shall have power to elect a town marshal, clerk, treasurer and assessor or collector of taxes, and such other officers and agents as may be necessary and proper for the good government of the town, to prescribe their duties, to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of such officers or agents, a majority of the board concurring in such removal, and to fix and regulate from time to time the compensation of the officers and agents of the corporation. The officers of the corporation shall continue in office unless removed until the next annual election for mayor and councilmen and until their successors are elected and qualified. The clerk, assessor, collector, treasurer and marshal and all other such officers as the corporation may require to give bond shall before entering upon the discharge of their duties give bond in such sum as the corporate authorities may prescribe, with condition to discharge faithfully all the duties of their respective offices, on which bond suit and recovery may be had in any court having jurisdiction in the name of the mayor and the councilmen for the use of the corporation, or the persons injured, and said bond shall remain for the breaches of its conditions.

Officers elected by council

SEC. 12 *Be it further enacted*, That the town clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, and when signed by the mayor or presiding officer, the same shall have the force and effect of a record, and the copy thereof signed by the clerk under the seal of said town, and duly certified, shall be *prima facie* evidence in any court of record in this state of the contents of such record; and said record shall at all times be open to inspection; and the said clerk shall perform all other duties as the board may direct.

Proceedings of council

SEC. 13. *Be it further enacted*, That the marshal

Authority of  
marshal

have authority without warrant to arrest offenders breaking the peace, for violating any ordinances or law of said town, when the offense is committed in his presence, and bring the offender before the mayor; to execute by levy and sale if necessary all process issued by the clerk for the collection of taxes, fines, forfeitures and all other dues owing to said town, and to discharge such other duties as may be incumbent on him by the ordinances and laws of said town.

Clerk to issue  
executions  
etc

SEC. 14. *Be it further enacted*, That the clerk of said town is hereby authorized and empowered to issue all such executions and process as may be necessary to enforce the collection of all taxes, fines, forfeitures and other dues which may be due and owing to said town on any account.

Powers of  
mayor and  
council

SEC. 15. *Be it further enacted*, That the mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits of said town, and provide places for the reception of the sick; to erect a calaboose; to establish day and night watches; to license, restrain and regulate the retailing and wholesaling of vinous, spirituous and malt liquors within the corporate limits of said town, or to prohibit the same; to prohibit the sale or giving away of liquors on election day; to erect and repair bridges; to prohibit and disperse all unlawful assemblages, and to license, restrain and regulate theatrical and other exhibitions and shows of whatever character, and also lectures and concerts for pay (except lectures and concerts for charitable purposes); to license hacking coaches, carriages, wagons, carts, and vehicles of like kind running from one part of the corporate limits to another for hire; to license auctioneers, the keeping of hotels, eating or boarding houses, livery and sale stables; to fix the price of any and all licenses; to restrain and prohibit gambling houses and houses of ill fame; to sink and keep in repair public wells; to prohibit and punish all violations of the Sabbath; to prevent stock of any kind from running at large in the public streets; to prohibit riots, routs, assaults and batteries, and other breaches of the peace, and all misdemeanors; to provide for the punishment by fine and

imprisonment or by work on the streets or other work of the town for any violation of the laws, by-laws or ordinances of the corporation, but no fine shall exceed fifty dollars, and no imprisonment or work on the streets or other work of the town shall exceed twenty days; and also to provide where fine and costs are not presently paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the town officers; *Provided*, the time of such work shall not exceed twenty days; and to pass all such ordinances and by-laws as may be necessary and proper to execute the powers in this charter granted or as may be expedient for the good government of the town, not contrary to the constitution and laws of this state.

SEC. 16. *Be it further enacted*, That the mayor and council shall have authority to cause all vagrants or such persons as have no visible means of support or persons found begging in or about the streets, and who have no legitimate business, or have no employment to be arrested and punished as provided for in their charter. Vagrants, etc

SEC. 17. *Be it further enacted*, That the mayor and councilmen shall have authority to levy and collect taxes on real and personal property in the corporate limits of said town, on which taxes are now or may hereafter be levied by the law of this state. Taxes

SEC. 18. *Be it further enacted*, That the tax on personal and real property shall not in any one year exceed one half of one per cent on the one hundred dollars of the value of the property so assessed in said town, and shall be levied according to assessment and valuation of the taxes of assessor of the county for the preceding year. The taxes so to be collected under the rules and regulations prescribed by said corporate authorities, and they shall have power to raise and correct all such tax matters as they think advisable, not inconsistent with this act. Rate of tax

SEC. 19. *Be it further enacted*, That all taxes assessed in pursuance of authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and all sales for the non payment of taxes Lien for taxes

must be on three weeks public notice by advertisement in some newspaper published in St. Clair county or by posting notice at the court-house door in said county. That all such sales shall be made as provided for in this act and under the rules and regulations to be prescribed by said corporate authorities not inconsistent with the constitution and laws of this state.

Liquor li-  
cense

SEC. 20. *Be it further enacted*, That the probate judge of St. Clair county shall be required to issue a license to any one to sell vinous, spirituous and malt liquors in said town on the applicant producing to the probate judge a recommendation that he is a good moral man and in all respects a suitable person to engage in the business of selling vinous, spirituous or malt liquors, signed by ten householders and freeholders who live in said town, and on paying the fees and charges necessary to procure such license under the laws of this state.

Laws in con-  
flict repealed

SEC. 21. *Be it further enacted*, That all laws in conflict with the provisions of this act are hereby repealed.

Approved February 16, 1891.

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AN ACT

[H. 345

To incorporate the Pan-American Transportation Company and to define its powers.

Corporators

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Gaylord B. Clark, and A. S. Benn, of Mobile, Alabama; Leon Blum and R. S. Willis, of Galveston, Texas; J. B. Clark, John A. Roche, F. C. Rutan and George L. Gray, of Chicago, Illinois; A. P. Chamberlain, of Des Moines, Iowa; W. O. Kulp, of Davenport, Iowa, and Howel Jones of Topeka, Kansas, and such other persons as may hereafter subscribe to the stock of this company, their successors and assigns, are hereby constituted a body politic and corporate under the name of the "Pan-American Transportation Company," the objects of which are to operate transportation lines by land and water, and other purposes as are hereinafter provided for. Ey, and under that

Name, rights  
etc



name, they and the stockholders in the company, their successors and assigns shall have perpetual succession, and may sue and be sued, contract and be contracted with, and may have a corporate seal

SEC. 2. *Be it further enacted*, That said company shall have power, and is hereby authorized, to buy, <sup>Powers</sup> construct, charter, lease, own, operate, maintain and construct all kinds of steamships, vessels, and other water crafts, and may navigate the same between all parts of the globe, and upon rivers; to construct, buy, own, lease, equip, convey, and operate lines of railroad, telegraph lines, cable lines, and telephone lines; but all railroad, telegraph, cable and telephone lines or parts of lines constructed, owned, leased or operated within the State of Alabama shall be subject to the laws of this state, as to their construction and operation; and said company for the construction of any railroad, telegraph, cable or telephone lines, is authorized to enter upon the lands of other corporations, or individuals, but shall not appropriate the lines of other companies, for the purpose of locating and laying off their said lines; but in all cases just compensation shall be made to the owner before the appropriation thereof, and in case said company cannot agree with the owner, or owners of such lands, as to the amount of compensation then said company may have the value of the compensation to be paid for the taking of said lands assessed in any manner authorized by law; and the executors, administrators, guardians, or trustees of estate are hereby expressly authorized to contract with said company for a right-of-way or other easement, on or over, or for the lease, or sale of any property, belonging to their estates, or cestui que trustent, which said company may desire for its legitimate purposes; and said company is also authorized to construct, buy, own, lease, maintain, operate and convey ware-houses, docks and wharves; to buy, convey, own, lease, and receive real and personal property; to buy convey and own shares in the capital stock of railroad, steamship, telegraph, cable, telephone, wharf and dock companies and may join stock or otherwise consolidate, or make any lawful working contract with any such companies; to receive,

purchase, hold, use and convey such rights, privileges, franchises, and property, and to exercise such powers as may be granted to or conferred upon it by any government, state or municipality, or foreign nation; but not in the State of Alabama when contrary to the laws of this state; to have officers and agents, and to maintain offices at all points at which this company may do business; to act as principal or agent in buying and selling merchandise in all countries; to carry passengers, freight, express, and mail; to insure its cargoes, but shall not engage in a general insurance business; and for the purpose of facilitating its business, may buy and sell exchange between any and all points in this or any foreign country in which this company may have agents or officers, but shall not engage in a banking business.

SEC. 3. *Be it further enacted*, That the capital stock of this company shall be ten million dollars (\$10,000,000), and may be from time to time increased by a vote of two-thirds of the outstanding stock of this company, to an amount not to exceed one hundred million dollars (\$100,000,000). Said stock to be divided into shares of one hundred dollars (\$100) each, which shares shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of the company may provide. Said capital stock and shares shall be exempt from all municipal taxes, provided that on all real property located, and on all personal property, having a permanent situs in this state, the said company shall pay the same taxes as are paid by individuals upon similar property. A majority of the incorporators named in this act shall have power to open books of subscription to the capital stock of said company in such places and at such times as they may designate. After one million dollars (\$1,000,000) shall have been subscribed the incorporators named in the first section of this act, or a majority of them, in person, or by proxy, shall assemble in the city of Mobile, State of Alabama, or organize by the election of nine directors, who shall be stockholders, three of whom shall serve for one year, three for two years, and three for three years. As soon as the company is organized an installment of

ten per centum on each share of stock subscribed shall become due and payable, and the company may thereafter commence business. The balance due on such subscription, may, after thirty days notice, be called in by the board of directors in installments not exceeding twenty per centum at any one call. In case any stockholder shall neglect or refuse to pay his installments, in pursuance of such notice, his interest in the company may be sold according to the regulations to be made therefor by the by-laws of the company, without prejudice to the rights of said company, should it so elect to collect the balance of said subscription by any authorized legal proceedings. The company may issue its capital stock to the amount of the just value of and in payment for such property and material as it may acquire and for work and labor done. And the stock issued for these purposes shall be deemed paid up stock, and shall not be liable to any further calls or assessments.

SEC. 4. *Be it further enacted*, That the corporate powers of this company shall be managed and exercised by a board of directors, who shall be stockholders, one-third of whom shall be chosen by the stockholders at each annual meeting after the organization to serve for three years or until their successors are duly elected and qualified. Any one ceasing to be a stockholder shall cease to be a director. The said board shall consist of not less than nine or more than fifteen directors, a majority of whom shall be citizens of the United States. A majority of the board of directors shall constitute a quorum for the transaction of business. The said board shall select a president and one or more vice-presidents from its members, and shall elect a treasurer and a secretary, all of whom shall be citizens and residents of the United States, and who shall hold office for such terms as the by-laws shall provide, and may elect or appoint, as the by-laws shall provide such other officers, agents and employees as the business of the company may require, and shall make such by-laws as may be necessary for the government of the company not inconsistent with the constitution and laws of this state or of the United States. In case of a vacancy in said board by death, resigna-

Board of directors

tion, or otherwise, the directors shall fill the same for the unexpired term. The stockholders shall hold annual meetings for the election of directors in each year after the organization of this company at such time and place as the by-laws shall prescribe. A failure to elect directors on the day appointed by the by-laws shall not operate a dissolution of the company, but such election may, after thirty days notice thereof, be holden upon any day fixed by the directors. At all meetings of stockholders one vote may be cast for each share of stock by the owner thereof, or by written proxy.

Rights

SEC. 5. *Be it further enacted*, That this company shall have the right to receive subsidies, concessions and donations from governments, states, municipalities and individuals, and the right to ask and receive guarantees; and shall have the right to borrow money and issue bonds or other evidences of debt therefor, or for any other debt contracted by it, and to mortgage or otherwise convey or pledge its property, real or personal or any portion thereof and franchises, including its franchise to be a corporation to secure the payment of such bonds or other evidences of debt.

General

office

SEC. 6. *Be it further enacted*, That the general office of this company shall be established at Chicago, in the state of Illinois, but may be changed in its location from time to time by a two-thirds vote of the issued stock of the company, cast at a regular stockholders meeting, or at a special meeting of the stockholders called for the consideration of that question.

Vessels shall  
touch at  
Mobile

SEC. 7. *Be it further enacted*, That until otherwise ordered by a two-thirds vote of the issued stock of the company, cast at a regular stockholders meeting, or at a special meeting of the stockholders called for the consideration of that question, some of the vessels of said company shall touch at, or connect by suitable boats, with the city of Mobile, in the State of Alabama, at least twice in every month.

Approved February 14 1891.

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## AN ACT

[s. 267

To authorize the mayor and city council of Jacksonville to issue bonds of said city for an amount not exceeding fifty thousand dollars for the purpose of making and improving streets, the public square, and grounds about the public spring, and in paying whatever outstanding, floating (not bonded) indebtedness said city may have at the passage of this act.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and city council of Jacksonville be, and they are hereby authorized to issue bonds of said city of Jacksonville to an amount not exceeding fifty thousand dollars, or so much thereof as said mayor and city council may deem necessary for the purposes hereafter named, in such denominations, not less than one hundred dollars, nor more than one thousand dollars, as said city council may determine, and payable thirty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness, at some bank and place designated by the said city council.

Authority to  
issue bonds

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the said city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

By whom  
signed, etc

SEC. 3. *Be it further enacted*, That the said mayor and city council of Jacksonville are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of said mayor and city council shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof, shall be receivable for all dues to the city in the way of taxes or otherwise.

Protection of  
commercial  
paper

SEC. 4. *Be it further enacted*, That said mayor and city council of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than ninety-five cents on the dollar, and the proceeds of the sales of such bonds shall be paid over to and kept by the treasurer of said city, to be used by said mayor and city council exclusively in building, improving, grading, paving and macadamizing streets, improving the public square and grounds about the public spring in said city, and in paying whatever outstanding floating (not bonded) indebtedness said city may have at the passage of this act.

SEC. 5. *Be it further enacted*, That the use, payment, and application of said money shall be under the direction of said mayor and city council of Jacksonville, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sales of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of said bonds named in this act.

SEC. 6. *Be it further enacted*, That the bonds herein provided for shall have priority over all bonds of said city which may be hereafter issued, and it shall be the duty of said mayor and city council to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said city.

Approved February 14, 1891.

303]

AN ACT

[s. 470

To ratify and amend the charter of the Alabama Trust and Savings Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter of the Alabama Trust and Savings Company, a corporation heretofore created and organized under and by virtue of the general



laws of Alabama, be and the same is hereby in all things ratified and confirmed.

SEC. 2. *Be it further enacted*, That said corporation shall have and possess the following powers, namely: Powers  
 To have perpetual succession; to contract and be contracted with; to lend money upon real estate and personal security, or on such security as it may approve; to buy, own, maintain, construct, sell and operate books of abstracts and manuscripts from public records relating to titles, mortgages, liens, judgments or other matters of record, and to conduct a general abstract of title and title guarantee business for compensation and profit; to buy, acquire, hold, enjoy, sell and convey, improve, lease, rent, mortgage real estate, bonds and stocks of corporations, public or private, resident or non-resident, notes, bills, mortgages and other securities of corporations, public or private, or natural persons resident or non-resident; to issue and sell debenture bonds secured by mortgage or deed of trust upon real or personal property or other securities, in such denominations and of such character and bearing such interest, not exceeding eight per centum per annum, as it may determine; and to borrow money, rediscount, endorse, transfer and assign notes, mortgages, bonds and all other securities and collaterals of which it may become possessed, and to guarantee the principal or interest of the same, one or both, having in such respects the same powers as now enjoyed by individual persons.

SEC. 3. *Be it further enacted*, That said company is authorized and empowered to act as agent in the negotiations of loans, the buying or selling of stocks, bonds, bills, notes, mortgages, real estate or other property or securities, in the collection of moneys, rents or dividends, and in the control and management of estates, and to charge and receive a commission and compensation for the same. It may act as the agent of either the borrower or lender, buyer or seller, or as middle man, possessing the same powers in such respects as individual persons. Authority to  
act as agent

SEC. 4. *Be it further enacted*, That said company is authorized and empowered to act as the fiscal or transfer agent of any state, municipality, body politic

or corporation, and in such capacity to receive and disburse money, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness; to act as trustee under any mortgage, deed or bond issued by any municipality, body politic, corporation or natural person, and to except and execute any other trust not inconsistent with the laws of this state; to act as assignee under any deed of assignment or other writing; to act under the order or appointment of any court of record of this or other state, or of any court of the United States, as receiver, trustee, assignee of any estate, property or business of any person or corporation, guardian of estates of minors or other persons, guardian or committee of estates of lunatics, idiots, habitual drunkards or other person non-compos mentis, executors of the wills of deceased persons, administrator with or without the will annexed; and it shall be lawful for any of said courts to so appoint said company, and as to appointment, accounts and settlements, and liability said company shall be governed by, and subject to the laws relating thereto to the same as individuals; to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted, or committed to said company by any person or persons, body politic, corporation or other authority by grant, assignment, transfer, bequest, devise or otherwise, or by appointment, order or commission issued out of any court of record, and to take and hold any money, property or estate, real or personal, which may be subject to any such trust.

Authority to deposit with *SEC. 5. Be it further enacted*, That any executor, administrator, guardian or other trustee or public officer having control of any bonds, stocks, securities, moneys or other valuables belonging to others, shall be, and is hereby authorized to deposit the same for safe keeping with said company.

Powers not abridged *SEC. 6. Be it further enacted*, That the powers acquired by said company's organization under the general laws of this state are in no wise abridged by this act; and said company shall be governed by the regulation prescribed in the chapter of the code of 1886, under which it was organized and the laws

governing such corporations as said company as they relate to the internal government of said company, the duties and powers of directors meetings, the making of by-laws, the increase of its capital stock, and in such particulars and respects not provided for in this act nor in conflict with any of its provisions.

Approved February 14, 1891.

304]

AN ACT

[s. 236

To amend an act incorporating "The Trustees of the Judson Female Institute," approved January 9th, 1841.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act approved January 9th, 1841, incorporating "The Trustees of the Judson Female Institute," in the town of Marion, Perry county, Alabama, be and the same is hereby amended as follows: That section one of said act of incorporation be amended, so as to read as follows: That John Moore, J. B. Lovelace, C. C. Huckabee, W. W. Wilkerson, H. A. Haralson, J. C. Bush, W. B. Crumpton, I. H. Marbury, B. F. Ellis, J. P. Shaffer, T. T. Daughdrill, W. P. Welsh, W. T. Smith and George B. Eager, and their successors in office, are hereby constituted a body corporate, by the name and style of The Judson Female Institute, and by that name shall have full power and authority to have and use a common seal; to sue and be sued; to make purchase of and own and hold real and personal property to the amount of five hundred thousand dollars; to receive gifts and donations of the same; to grant and confer certificates or diplomas of scholarship; to pass all such by-laws, rules and regulations as the said corporation may deem essential for the proper conduct and good government of same, and to do all such other further things not inconsistent with the laws and constitution of this state as are necessary and proper to be done in conducting a well regulated institution of learning, for the education of white females, and all property acquired by said corporation

Charter  
amende

Name, right  
powers, e

shall be held and used under the control of the Alabama Baptist State Convention, a corporation under the laws of this state, and said institution of learning shall be conducted under the control of said Alabama Baptist State Convention, and by and with its authority and consent the said corporation. (The Judson Female Institute), may sell and dispose of, the property herein authorized to be acquired and held.

SEC. 2. *Be it further enacted*, That section two of said act be and the same is hereby amended so as to read as follows: That the said above named corporators and their successors shall have power to establish and carry on in town of Marion, in Perry county, Alabama, under the control and management of said Alabama Baptist State Convention, a female academy under such rules and regulations as may be deemed necessary or proper by them, under the powers herein conferred, and they shall be known as the Board of Trustees of the Judson Female Institute.

SEC. 3. *Be it further enacted*, That section three of said act be and the same is hereby amended so as to read as follows: That said Alabama Baptist State Convention shall have the power to appoint all the successors to the corporators or trustees of said institution, as above named, however the vacancy or vacancies may occur and shall have the power at its pleasure to declare the office of any of the same vacant; and remove any of the said corporators or trustees and fill all vacancies in said board, as they shall occur, and designate the president of said board of trustees; that at the meeting of said board of trustees to be held in the year 1891, they shall arrange their number into seven classes, numbered from one to seven, the offices of the first and each succeeding class to become vacant at the end of two years, or when their successors are appointed by said Alabama Baptist State Convention, and said board of trustees shall make report to said convention at its next session how they have classified said trustees as to their term of office; and they shall at each annual meeting of said convention make full report to it of the operation of said institution of learning for the past year, and how they have conducted the

same and the vacancies in said board of Trustees to be filled by said convention.

Approved February 14, 1891.

305]

AN ACT

[s. 249

To authorize the mayor and city council of the town of Jacksonville to order an election to change the name of the same upon the petition and vote of the citizens as herein provided.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and city council of Jacksonville, Alabama, may, within twelve months from the passage of this act, order an election to be held by the qualified electors of said town, at the usual places of holding elections in said town, at which election shall be submitted to the qualified electors who are authorized to vote for the mayor and city council of said town, the question of the change of the name of the said town from Jacksonville to any other name they may see proper.

Election or  
changing  
name

SEC. 2. *Be it further enacted*, That the mayor of said town shall give notice of the time and place of holding said election, and the purpose for which said election is held, in the same manner as is required to be given of elections to be held for the mayor and city council of said town of Jacksonville, and shall appoint inspectors and returning officers in the same manner as is required for holding city elections; *Provided*, if more names than one are to be voted on, then said mayor and city council shall appoint said inspectors and returning officers as near as may be, equally from the friends of the respective names to be voted on; *and provided further*, That the mayor and city council of Jacksonville shall not appoint a day for an election, nor appoint inspectors and returning officers for the purposes of this act, unless a petition is filed with the mayor and council of said town, signed by three-fourth of the *bona fide* citizens who are voters and householders and freeholders of said town of Jacksonville, asking for said election.

Duties of  
mayor and  
council

Rules gov-  
erning elec-  
tion

SEC. 3. *Be it further enacted*, That on the day appointed by said mayor and city council, an election shall be held at the place appointed in such town, and all persons who are at the time qualified voters under the general election laws of this state, and qualified to vote for mayor and city council of said town, shall be entitled to vote at said election, and such election shall be conducted in the same manner and governed by the same laws as govern elections for mayor and councilmen of said town, not inconsistent with the requirements of this act.

Words on  
ballots

Effect of  
election

SEC. 4. *Be it further enacted*, That at such election those who desire to vote for a change of the name of said town shall deposit their ballots with the name for which they desire to vote written or printed thereon, and those who desire to vote against the change of the name of said town shall deposit their ballots with the words "For Jacksonville," printed or written thereon. When the votes so cast are counted, tabulated, and due return made thereof by the officers holding said election to the mayor and council of said town, and if it be found that a majority of all the votes cast and counted are for any other name than Jacksonville, then the name of said town shall be changed to that name which shall have received a majority of the votes cast at said election, by which name it may sue and be sued, plead and be impleaded, contract and be contracted with, and shall in all manner be held responsible for all contracts, the same as under the old name. But if it shall be ascertained that a majority of the votes cast at such election are "For Jacksonville," then the name of said town shall be and remain as it is.

To be re-  
corded if  
changed

SEC. 5. *Be it further enacted*, That in the event it be ascertained that a majority of the votes cast at said election are for any other name than Jacksonville, the mayor and city council shall certify this fact to the probate judge of the county of Calhoun, Alabama, who shall record said certificate in his office, and such record or a certified copy thereof, shall be *prima facie* evidence in any court of the fact of a change of the name of said town when the same may be questioned.

SEC. 6. *Be it further enacted*, That the mayor and council may, at any time they may see proper, or-



der said election after the filing of the petition herein provided for; *Provided*, that the same be not deferred for more than twelve months from the passage of this act.

Any time  
within one  
year

SEC. 7. *Be it further enacted*, That, before the mayor and council shall order the election provided for in this act, they shall provide for a registration of the voters of said town, and cause a list of said registered voters to be posted in the office of the mayor, or kept in a suitable book for the inspection of all citizens.

Registration  
of voters

SEC. 8. *Be it further enacted*, That in case any elector may desire to contest said election as it may be declared, said contest shall be conducted before the judge of probate of the county, who is hereby authorized to take jurisdiction of said contest, and who shall determine all matters arising under the same, and he shall be governed as near as may be by the general laws of the state regulating contests for office by individuals.

Contests

Approved February 14, 1891.

306]

AN ACT

s. 91

To perpetuate the United States government surveys of lands in Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the board of revenue of Dallas county to provide a suitably ruled book, to be kept in the office of the probate judge of said county, for recording therein the evidences found by any county surveyor of said county to correctly establish the original quarters, sections, and townships corners in accordance with the government survey notes. And also for recording therein the manner of perpetuating each corner established, giving date of finding, date of monumenting, kind of monument with its marks, as well as old and new witness trees thereto, in the manner of marking witness trees in the United States government surveys

Duty of  
board of  
revenue

Duties of  
county sur-  
veyor

SEC. 2. *Be it further enacted*, That it shall be the duty of each county surveyor of Dallas county having found, or who may hereafter find, a half-mile post, a quarter section corner, a section corner, or a township corner, by evidences agreeing with the government survey notes for such corner, to place a stone post of kind hereinafter provided, as a monument, at the proper place for such quarter section, section or township corner, and to make notes of all the evidences he finds in accordance with the government survey notes to correctly establish each corner, together with any evidence which controlled his judgment in such location. And it shall also be his duty to make records in the boook provided by the board of revenue of Dallas county, "for perpetuating the original surveys," of all notes made by him of the evidences he found of the original surveys, and other evidences which may have controlled his judgment in such location, and to describe the monument set up, and location of new witness trees relative thereto, in the same manner as notes of the original survey, giving date of finding corner and date of monumenting the same. On such record book of Dallas county surveys, each surveyor must certify each corner separately under oath before the probate judge of Dallas county, that such corner is located, established and recorded by him in accordance with the provisions of this act; *Provided*, That but one monument shall be erected for each section.

Duty of  
board of  
revenue

SEC. 3. *Be it further enacted*, That the board of revenue of Dallas county shall specify the quality, size, and manner of marking of each kind of corner monument to be used, and also fix a price which shall be paid from the general funds of the county for each monument set up in accordance with this act, such price not to exceed two and 50-100 dollars besides the cost of the monument and its marking.

Penalty for  
wrong loca-  
tion

SEC. 4. *Be it further enacted*, That should any county surveyor wilfully set up any quarter section, section, or township corner monument, at the wrong point or place for such corner and make record of such wrong location, he shall be liable on his official bond to a fine not less than one hundred dollars, besides all

damages to any land owner caused thereby, and cost of the investigation, including surveys and trial; one-half of the fine collected to be paid the party prosecuting the cause.

Approved February 14, 1891.

307]

AN ACT

[s. 415

To authorize Gadsden Lodge No. 236, A. F. and A. M. to issue bonds to build a Masonic Temple in the city of Gadsden, in this state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Gadsden Lodge No. 236, A. F. and A. M., under the jurisdiction of the Most Worshipful Grand Lodge of the State of Alabama, is hereby authorized and empowered to issue bonds to the amount of twenty thousand dollars for the purpose of constructing in the city of Gadsden, in Etowah county, in this state, a Masonic Temple for the use of said lodge; *Provided*, That said temple when constructed shall be subject to the jurisdiction and power and authority of the Grand Lodge as now provided by the charter of said Grand Lodge heretofore granted by the State of Alabama. Authority to issue bonds

SEC. 2. *Be it further enacted*, That the bonds provided for by this act shall be respectively, in the sums of \$100, and \$500, and shall each be signed by the worshipful master, senior, and junior wardens of said lodge, and countersigned by the secretary, under the seal of said lodge. None of said bonds shall be negotiated at less than one hundred cents on the dollar. In sums of

SEC. 3. *Be it further enacted*, That said bonds shall be made payable at the end of thirty years and shall bear interest at the rate of six per cent. per annum, payable annually and for each interest coupon one to be attached to said bonds and said bonds and interest coupons are to have all the properties of negotiable papers under the laws of this state. Thirty year six per cent

SEC. 4. *Be it further enacted*, That said bonds shall be issued by and under the direction of said Gadsden

Irregularity  
shall not af-  
fect

Lodge No. 236, in such denominations as herein expressed as may be deemed best, and no informality, irregularity, neglect or omission in the proceedings of said lodge in regard to the issuance of said bonds shall in anyway whatever affect their validity.

Approved February 14, 1891.

308]

AN ACT

[s. 376

To create a lien in favor of the owners or keepers of pastures in Dallas, Tuskaloosa and Lee counties for the payment of their charges for keeping and pasturing stock.

Lien on  
stock

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any owner or keeper of a pasture in Dallas, Tuskaloosa or Lee counties, shall have a lien on all stock kept and fed by him for the payment of his charges for keeping and feeding such stock, and he shall have the right to retain the stock or so much thereof as may be necessary for the payment of such charges.

Sale of stock  
for charges

SEC. 2. *Be it further enacted*, That if the charges, when due, are not paid within ten days from demand therefor, such owner or keeper is authorized, after giving fifteen days notice of the time and place of sale, by advertisement in some newspaper published in the county once a week for two successive weeks, or if there be no such paper, by posting the notice in two conspicuous places in the county, to sell the stock for the payment of the charges, and expense of keeping the stock, and of the sale, and the balance, if any there be, he shall pay over to the owner.

Approved February 14, 1891.

309]

AN ACT

[s. 407]

To authorize and empower the Board of Trustees of the "Evergreen Male and Female Academy," an institution of learning incorporated by the General Assembly of Alabama, approved February 5th, 1840; To prescribe and adopt the order, mode and branches of study and learning to be pursued in said Academy; fix the rates of tuition; grant diplomas or other certificates of scholarship; and to do any and all lawful acts necessary, proper and lawful to be done to further the objects of said Academy, or which other literary institution of like kind may do.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of trustees of the Evergreen Male and Female Academy, an institution of learning incorporated by act of the General Assembly of Alabama, approved February 5, 1840, are hereby authorized and empowered to elect a president and faculty for said Academy; to prescribe and adopt the order, mode, and branches of study and learning to be pursued in said Academy; fix rates of tuition; grant diplomas or other certificates of scholarship, which diplomas or other certificates of scholarship shall be signed by the president of the school, or faculty, and also by the president of the board of trustees of said Academy; and to authorize and empower said board of trustees to do all things necessary, proper and lawful to be done to further the objects of said Academy, or which other literary institutions of like kind may do in this state.

Powers of  
board of  
trustees

Approved February 14, 1891.

310]

AN ACT

[s. 447]

To incorporate the Louise Short Baptist Widows' and Orphans' Home.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. Norwood, J. W. Stewart, Dayton

Name, rights,  
etc

Plaster, R. Meadows, Mrs. M. L. B. Woodson, Mrs. P. L. Brooks, Geo. W. Ellis, C. W. Hare, Mrs. D. I. Purser, Miss Annie Grace Taitly, N. D. Denson, and W. G. Robertson and their successors are hereby created a body politic and corporate by the name and style of the Louise Short Baptist Widows' and Orphans' Home, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity; may have a common seal and alter the same at pleasure; shall have perpetual succession; may receive, hold, and use and enjoy, for the purposes hereinafter expressed, by gift, devise, purchase, or otherwise, all manner of estate, real, personal, or mixed, to any amount not exceeding three hundred thousand dollars, of real estate, and one hundred thousand dollars of personal or mixed property to any amount not exceeding three hundred thousand dollars of real estate, and one hundred thousand dollars of personal estate, and the same to alienate, sell, transfer, lease and convey by the order of the board of managers, and do all other acts and things that may be hereafter expressed in this charter not repugnant to the constitution and laws of this state, or of the United States.

Objects

SEC. 2. *Be it further enacted*, That the object of this corporation shall be to procure the control of orphans, destitute widows, and children as the managers may think proper to receive for the purpose of supporting and educating them in an institution to be prepared and provided for that purpose by said managers or whom deemed best, in any case to secure any such child a home and education outside of said institution.

Board of  
managers

SEC. 3. *Be it further enacted*, That the estate and concerns of the said widows and orphans home shall be governed and directed by a board of managers to be the successors of the said corporation to be selected and soon as convenient after the passage of this charter from the members of the regular organized Baptist churches of the State of Alabama, composed of white persons now known as the regular united Baptist, and connective with the Alabama Baptist State Convention on the following basis, to-wit: each of said churches shall be entitled to elect one manager, and for every two hundred dollars contributed any one



year, an additional manager for the succeeding year; *Provided*, that the number of managers from any one church shall never exceed seven. These managers to continue in office one year from the time of their election, and until their successors are elected, and the by-laws shall make suitable provision for an annual election on the same basis; the board of managers shall elect a president from those members sent by the church contributing most largely to the corporation the year previous, should there be such, and if not, then from the managers from either one of any two or more churches contributing most largely in equal amounts. Any individual person who shall contribute any amount over and above the sum of one thousand dollars, shall be entitled to a vote for president according to the previous basis; *Provided always*, that they are members of a regular Baptist church. Any one thus elected shall be the president of the corporation, and shall continue in office for the same time the board that elected him continues, and until his successor is elected, and in case of his death or resignation his place must be filled by the board of managers from the members of the board that are elected by the same church that elected him, and in case of a vacancy occurring in the board of managers the filling of such vacancy shall be referred to the church entitled to fill the vacancy. But in case the church neglects to fill the vacancy within one month after due notice, the board of managers may fill the vacancy in such manner as they see fit. A majority of the board shall be a quorum, and one third of the members of the board may be women, members of some regular Baptist church.

SEC. 4. *Be it further enacted*, That the pastors of the self-sustaining churches described in the third section of this act shall be "ex-officio" members of the board of managers with all the privileges of meeting with the board and discussing matters pertaining to the interest of the corporation, but not to have the privilege of voting in the decision of any question.

Pastors  
members of  
board

SEC. 5. *Be it further enacted*, That the board of managers may also appoint an executive committee from their members consisting of nine members, the

Executive  
committee

president to be one of them, whose duties and powers shall be pointed out by the by-laws. Whenever their own number, in their judgment, becomes too large for the efficient transaction of business, five shall be a quorum for the transaction of business.

Board of female managers

SEC. 6. *Be it further enacted*, That there may be a board of female managers appointed by the board of managers provided for in section 3, and may consist of twice their number, to be selected from the Baptist churches specified in the 3rd section of this act, whose duties and privileges shall be defined by the by-laws to be adopted by the board of managers.

Receiving children and widows

SEC. 7. *Be it further enacted*, That the said corporation shall on the decision of the board of managers have power to receive into its custody and control such children as may be recommended by such committee as may be provided for that purpose by the board of directors, and such widows as may be found to possess such qualities as would in the judgment of the committee, justify their acceptance. Such children having been committed to its custody by the person having the rightful custody and control thereof, or who may have been abandoned by those having the right to control and custody thereof, or when such child may in good faith be committed to its custody and control by any two good citizens of this commonwealth with the approval of the county commissioners, or two justices of the peace, where the child is found, because such child is found by them to be without home, protection, moral and religious training; *Provided*, the cost attending the court proceedings shall be allowed and paid out of the county levy. Said corporation for the purpose of protection of the person and rights of any child committed to its care is hereby invested with all the rights and powers of a parent or natural guardian, with the right to the exclusive control and custody of the same, until the age of eighteen, if a girl, and twenty-one years, if a boy, unless disposed of sooner as provided by this charter.

Adopting children

SEC. 8. *Be it further enacted*, That the said corporation may through its president, as may be prescribed by its by-laws, permit any suitable person to adopt any

child in its custody and control as their own child upon proper covenants in writing being executed by such person and the president and acknowledged or proven and recorded in the court of probate in the county where the principal interests of the home reside, as deed may be, and said corporation may through its president, as may be prescribed by its by-laws, bind out to any suitable person any child in its custody and control as an apprentice when such course shall be recommended by the executive committee, and may also receive of such persons other covenants, beneficial to the child in addition to prescribed by law ; especially that such child should not be treated as a servant, the apprenticeships to terminate at the lawful age, or as soon as may be expressed in the indenture which shall be acknowledged and recorded as prescribed in the transfer in this section.

SEC. 9. *Be it further enacted*, That the property, money, estate and rights of said corporation shall be exempt from all taxation by state or local laws for any purposes whatever. Apprentici'g  
Exempt from  
tax

SEC. 10. *Be it further enacted*, That a board of managers shall have power to adopt by-laws for the regulation of the affairs of the corporation and to procure or have erected and constructed such buildings and improvements at such place as the board may determine for its location, and to appoint and employ such officers, superintendents, agents, teachers and other persons and to do such other things and arrange and agree with any donor according to such stipulations as may be deemed to the interest of the institution necessary and proper to accomplish the objects contemplated by this charter not inconsistent to the laws of this state or of the United States. Powers of  
board of  
managers

SEC. 11. *Be it further enacted*, That the board of managers may provide in the by-laws for the formation of auxiliary societies upon such terms as they think best. Auxiliaries

Approved February 14, 1891.

311]

## AN ACT

[s. 188

To provide for the election of county superintendent of education of Wilcox county.

Election of county sup't of education SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election in 1892, the county superintendent of education of Wilcox county shall be elected whose term of office shall be two years and until his successor has been qualified.

To enter upon duties SEC. 2. *Be it further enacted*, That the person so elected, shall immediately after his election and qualification enter upon the discharge of his duties.

Laws in conflict repealed SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Compensation SEC. 4. *Be it further enacted*, That commencing April first, 1891, the county superintendent of education of Wilcox county shall receive one hundred dollars per annum and in addition thereto two and one-half per cent of all moneys received and disbursed by him.

Approved February 14, 1891.

312]

## AN ACT

[S. 305

To incorporate the Pythian Temple Company, of Birmingham, Alabama.

Name, rights, etc SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Oscar H. Underwood, William Vaughan and Joseph H. Montgomery, all of Birmingham, Alabama, and their successors and assigns, be, and they are hereby incorporated under the name of the "Pythian Temple Company, of Birmingham, Alabama," and by that name may sue and be sued, and have a common seal, the same to alter and change at pleasure.

Powers SEC. 2. *Be it further enacted*, That said company shall have and possess the following powers, namely: To have perpetual succession; to contract and be con-

tracted with; to loan money upon real estate or personal security, or on such security as it may approve; to buy, hold, acquire, enjoy, sell and convey, improve, lease, rent and mortgage all such real estate, or any interest therein, as it may desire or become possessed of in the management of its business, or for any purpose for which said company may desire to use or deal in the same; to issue notes, bills of exchange, or bonds secured by mortgages on its real or personal property, or other collaterals it may have in the transaction of its business, possessing in such respects the same powers as individuals now enjoy.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars (\$100,000), divided into two thousand shares of fifty dollars each. That the board of incorporators may open books of subscription to the capital stock thereof, and keep them open from time to time until all the capital stock of said company is taken by *bona fide* subscribers; when twenty per cent. of said stock has been subscribed, and at least two dollars per share of each and every share so subscribed has been paid into the treasury of said company, the incorporators above named, or a majority of them, may call the subscribers together for the purpose of organization, who shall thereupon elect a board of directors for said company to serve for the next ensuing twelve months. The board of directors, when elected, shall elect a president, a secretary, a treasurer, an executive committee, that shall be vested with all the powers and privileges that are possessed by the board of directors, with the right and power to exercise the same when the board of directors are not in session, and subject to the control of said board of directors, and such other officers as they may deem necessary in the transaction of the business of the company.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be subscribed for on the following terms and conditions: That upon the organization of said company, two dollars per share shall be paid into the hands of the treasurer, and that on the first day of each month thereafter, the subscribers must pay two dollars per share for each and every

Capital stock

Organization

Officers

Subscriptions  
to stock

share subscribed for, until fifty dollars per share has been paid for said stock; that for all stock subscribed for after the organization, the person or persons subscribing for the same, must pay to the treasurer of said company the amount that has been paid in on shares subscribed for at the time of the organization of said company, together with such premium as may be charged by the board of directors, and then continue to pay the monthly installments until the stock is paid in full; that should any subscriber of the capital stock of the company fail to pay the aforesaid installments, or any of them, the treasurer shall, as soon thereafter as practicable, give sixty days notice to such subscriber, his successors, assigns or agents, notifying him or them that he has failed to receive such subscription, and the treasurer shall, on the last Tuesday in any month thereafter, at such time and place as shall be designated by him in the aforesaid notice, proceed to sell the stock belonging to said delinquent subscriber, or his assigns, to pay the amount then due said company and the purchaser of said stock shall be required to carry out the terms and conditions of said original subscription. When the holder of any stock in the company fails to pay the monthly installments due thereon, the board of directors shall have power to assess a fine against each and every share of stock in arrears, said fine not to exceed fifty cents for each and every share that becomes delinquent, and said stock may be sold for the payment of said fine in the manner provided for the sale of stock of delinquent subscribers.

Right to purchase stock      SEC. 5. *Be it further enacted*, That only members of the order of Knights of Pythias and lodges of the order of Knights of Pythias (whether incorporated or not) shall have power or right to purchase, own or vote the stock of this company, and no person or lodge shall have the right to vote more than one hundred shares of the capital stock of the company.

Board of directors      SEC. 6. *Be it further enacted*, That the management of the business of this company shall be entrusted to the board of directors, which shall consist of not less than five nor more than twenty stockholders, the number to be determined by the stockholders, which number may be increased or reduced within the limits named at any



regular meeting of the stockholders, or special meeting called for the purpose; *Provided nevertheless*, that any lodge of Knights of Pythias owning twenty-five or more shares in its own name, shall have a right to choose one of its members as a director in this company. The board of directors and other officers of said company shall hold their offices for one year, and until their successors are elected and qualified. The board of directors shall require such officers as they deem proper to give good and sufficient bond for the faithful performance of their duties in such amounts as the board may prescribe, to be approved by the board. The board of directors must make an annual report to the stockholders of their management of the affairs of the company, and its financial condition. The stockholders of said company shall meet annually, or so often as may be necessary for the interests of the company; but the failure to hold regular meeting shall not impair the validity of the charter of said company, or affect its right to exercise its corporate powers. The several officers of such company shall perform the duties usually incumbent on such officers and such other duties as may be required by the board of directors. The liability of each stockholder shall not exceed the amount of stock subscribed by him. Meetings of stockholders

SEC. 7. *Be it further enacted*, That the capital stock of said company may be increased to a sum not exceeding two hundred thousand dollars by a two-thirds vote of the stock present at a meeting held for that purpose after giving thirty days notice thereof by advertisement in a newspaper published in the city of Birmingham, Alabama. The existing stockholders shall have preference in taking such increased stock. At such meeting of the company no stockholder shall be entitled to vote more than one hundred shares of stock owned or held by him. At such meeting stockholders may be represented by proxy authorized in writing, but not otherwise. Increase of capital stock

Approved February 14, 1891.

313]

AN ACT

[s. 365

To amend sections three and six, and repeal sections four and five of an act entitled an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same.

Witness fees

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section three of an act entitled an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same be amended as to read as follows: Section 3. Be it further enacted, That whenever the costs in a criminal case in said courts are imposed on the defendant, or prosecutor, or the foreman of the grand jury, the fees for witnesses for the state as now prescribed by law, shall be taxed as costs, and when collected shall be paid to the county treasurer, and shall by him be covered into and constitute a part of the general fund of the county.

Payment of

SEC. 2. *Be it further enacted*, That section six of an act entitled an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same, be amended so as to read as follows: Section 6. Be it further enacted, That the witness certificates now outstanding, and all certificates hereafter issued to state witnesses, upon presentation to the county treasurer, shall be paid out of the general fund of the county.

Sections repealed

SEC. 3. *Be it further enacted*, That sections four and five of an act entitled an act to regulate the state witnesses fees in Hale county, Alabama, and to provide for the payment of the same, be and the same are hereby repealed.

Approved February 14, 1891.

314]

AN ACT

[s. 393

To prevent stock from running at large in beat 5, and in section 31, township 23, range 20 in Coosa county.

SECTION 1. *Be it enacted by the General Assembly of*

*Alabama.* That from and after the 1st day of January, 1092, it shall be unlawful in beat 5, and in section 31, township 23, range 20, in Coosa county for any stock to go at large on the lands or crops of another. And for each willful violation of this section by any person or owner of such stock shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined not less than five nor more than fifty dollars. And the term stock, when it occurs in this act, shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Stock law  
district

SEC. 2. *Be it further enacted,* That for any damage done by stock running in beat five, in Coosa county, the owner shall be liable to the injured party, in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered, shall be a lien on the stock so committing the damage. And the court entering the judgment, shall enter therein an order that the officer executing the writ of execution on said judgment, shall seize and sell the said stock for the satisfaction of the judgment.

Damages

SEC. 3. *Be it further enacted,* That the prosecution and civil actions provided in this act, may be tried before any justice or notary public, with justice jurisdiction in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars; if the justice of the peace or notary public is incompetent, or there is a vacancy in such office, then such trials shall be in the nearest beat in said county where no objections exist for such trials and prosecutions. Said justices courts shall always be open, but three days notice shall be given to the opposite.

Tried before  
justices of  
peace

SEC. 4. *Be it further enacted,* That citizens living in beat five, and in section 31, township 23, range 20, of Coosa county shall have the right to erect gates across public and private roads, at or near the line of said beat, when necessary to prevent trespass by stock from other beats not included in this act, and that said gates when so erected shall be subject to such regulations and penal laws as are now in force in this state in regard to governing gates across public and private roads.

Right to erect  
gates

SEC. 5. *Be it further enacted*, That all laws and parts of laws that may prohibit the enforcement of this act, be Laws in con- flict repealed and the same are hereby repealed, so far as the same relate to beat five, section 31, township 23, range 20 in Coosa county.

SEC. 6. *Be it further enacted*, That the provisions of this act; shall not apply to any person or owner of stock in Clay county.

Approved February 14, 1891.

315]

AN ACT

[s. 309

To authorize and empower the "City of Mobile," to create, open and establish streets and highways within its corporate limits.

May open streets, etc SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the "City of Mobile," be and is hereby authorized and empowered to create, open and establish streets, and to that end may exercise the rights of eminent domain in the manner provided by law for the condemnation of lands for public uses.

Approved February 14, 1891.

316]

AN ACT

[s. 180

To repeal an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters at or within certain localities in this state therein designated to wit: In Spring Hill, Marengo county, and within six miles thereof, and various other places, approved February 28, 1881, so far as the same applies to Van Dorn, Marengo county, and the territory adjacent thereto for one hundred yards.

Repeal of prohibition of Alabama, SECTION 1. *Be it enacted by the General Assembly*, That an act to prohibit the sale, giving away or otherwise disposing of any spirituous, vinous

or malt liquors, or intoxicating bitters at or within certain localities in this state threin designated, to-wit: In Spring Hill, Marengo, and within six miles thereof, and various other places, be and the same is hereby repealed so far as the same applies to Van Dorn, Marengo county, and the territory adjacent thereto, for one hundred yards.

Approved February 14, 1891.

317]

AN ACT

[s. 242

To amend section twenty-seven, of an act antitled an act to establish a new charter for the city of Huntsville, approved December 12th, 1888.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section twenty-seven (27) of an act entitled an act to establish a new charter for the city of Huntsville, approved December the 12th, 1888, be and the same is hereby amended so as to read as follows: Section 27. *Be it further enacted*, That the mayor and aldermen shall have authority to require all persons who have resided in the city for thirty days, to work the public streets at least five days in each year, except females, and all male persons under the age of eighteen and over forty-five years of age, and all maimed or disabled persons who procure a certificate from a respectable physician in the city of Huntsville, that they are physically unable to perform the labor required; *Provided*, that any person so required to work the streets may relieve himself from so working by paying into the city treasury a sum of money not exceeding three (\$3.00) dollars nor less than one dollar and fifty cents (\$1.50) as said mayor and aldermen may by ordinance prescribe and all money so collected shall be used by the board exclusively for the purpose of opening, extending and keeping in repair the streets of the city; *Provided*, that the mayor and aldermen shall have authority to pass ordinances and regulations prescribing the time when such persons who are liable to work the streets shall be called on, what notice shall be given, and to pass all laws necessary to enforce

Working on  
streets

fully this provision. Any person liable to work the public streets of the city who fails or refuses after legal notice either to pay such sum as said mayor and aldermen may prescribe not exceeding three (\$3.00) dollars, nor less than one dollar and fifty cents (\$1.50) or to work the public streets under the street superintendent or some one else appointed by the board without a good and sufficient excuse therefor, must on conviction before the mayor, who has full authority to hear and determine all such cases, be fined not less than five and not more than ten dollars, and should he fail presently to pay such fine and cost or to confess judgment for the same with two good and sufficient sureties, to be approved by the clerk of the city, payable within thirty days to the mayor and aldermen, then he shall be sentenced by the mayor to hard labor on the streets under the control of the street superintendent or some one else appointed by the board for not less than five nor more than ten days. The mayor and aldermen are authorized to pass all by-laws and ordinances for the arrest of persons liable to work on the streets, and who refuse to comply with the requirements herein, and to provide for all judgments *nisi* and forfeiture of bonds.

Approved February 14, 1891.

318]

AN ACT

[H. 884

To incorporate the Eufaula Investment and Security Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That S. H. Dent, John W. Tullis, E. B. Young, George C. McCormick, and W. D. Jelks, and such other persons as may be hereafter associated with them and their successors, be and they are hereby constituted a body corporate under the name and style of the Eufaula Investment and Security Company, and by that name may sue and be sued in all the courts of law and equity, and shall have the right to make and use a common seal and to alter and change the same at pleasure.

Name,  
rights, etc



SEC. 2. *Be it further enacted*, That the said corporation shall have authority to buy, sell, hold, dispose of, and deal in real estate, loans, stocks, notes, bills, mortgages, choses in action and all other personal property on its own behalf, or as trustees for others. Authority to buy, sell, etc

SEC. 3. *Be it further enacted*, That said corporation may, and it is hereby authorized to undertake the negotiation of loans on real estate, to lend money on its own account, or for others, and to take as security for the same, mortgages or deeds of trust or such other instruments as evidences of indebtedness as it may deem proper; and it may receive and hold money, stocks, bonds, bills, notes, bills of exchange, and other personalty on general and special deposit, on such terms and under such conditions as may be agreed upon between it and such persons or corporations as it may deal with, and it may borrow money, and mortgage and pledge as security for the same, any or all of its property. May negotiate loans, etc

SEC. 4. *Be it further enacted*, That the said corporation may and it is hereby authorized and fully empowered to issue debenture bonds, bearing not exceeding eight per centum per annum interest, the same to be secured by first mortgage on such of its property as it may elect to pledge as security for such bonds or evidences of indebtedness, said property so mortgaged as security to be held in trust by a trustee appointed for that purpose, and said debentures shall run for a term not exceeding ten years. Debenture bonds

SEC. 5. *Be it further enacted*, That said corporation shall have power to buy, own, hold, rent, lease, sell and convey, and deal in lands, and real estate, situated in the state of Alabama or elsewhere, on its own behalf, or as agent, broker, or trustee for others. May deal in lands

SEC. 6. *Be it further enacted*, That said corporation shall have power and authority to act as agent or broker in the negotiation of loans or for borrowing money on such security as it may elect; to recommend and to negotiate loans secured by first mortgage on real estate, agricultural and mineral lands, town lots, and city property, and it may contract with parties, individuals or corporations to undertake the negotiation of such loans, and may charge for its services as Other powers

broker, or agent for borrowers, such fees and compensation for its services as may be agreed upon; and it may also secure the payment of such fees or compensation for its services for such work by mortgage on real estate, pledges of collateral security, or such other security as it may be able to obtain and willing to accept.

Banking

SEC. 7. *Be it further enacted*, That said corporation shall have power and authority to discount bills, notes, or other evidences of debt, to receive and pay out deposits with or without interest, and to receive on special deposit, money or bullion, or foreign coin, stocks, bonds, or other securities; to buy and sell foreign or domestic exchange, gold or silver bullion or foreign coins, bonds, stocks or bills of exchange, or other negotiable papers. To lend money upon personal security or upon pledges, bonds, stocks, or negotiable security; to take and receive security by mortgage or otherwise on property, real or personal.

Capital stock

SEC. 8. *Be it further enacted*, That the capital stock of said corporation shall consist of not less than \$25,000.00 nor more than \$500,000.00, to be divided into shares of \$100.00 each, which shares shall be deemed personal property and transferred in such manner as the company by its by-laws may direct. The said company may be organized and commence business when so much as two hundred and fifty shares of stock has been subscribed and one of the installments hereinafter provided for paid to the corporators, or such person as they may designate to receive the money.

Payment of stock

SEC. 9. *Be it further enacted*, That the capital stock of said corporation shall be paid in by the subscribers as follows: That for each share of stock subscribed, the subscriber shall pay in monthly installments the sum of two 50-100 dollars each month for the period of forty months or until the amount paid in, with the earnings or dividends shall make the par value of the share of said stock one hundred dollars.

Different

series

SEC. 10. *Be it further enacted*, That there may be more than one series of stock subscribed or taken in said corporation under such rules and regulations as the board of directors of said corporation may prescribe; *Provided*, That the whole number of shares taken shall not exceed 5,000.

SEC. 11. *Be it further enacted*, That within twelve months after the passage of this act of incorporation the persons named in the first section of this act as incorporators or a majority of them shall open books of subscription of the capital stock of said company in such places as they may deem fit, and when as much as 250 shares of stock is subscribed and taken and one installment paid in as provided in section 8, of this act, they shall call said subscribers together in the city of Eufaula, Alabama, by giving at least ten days notice in a newspaper published in Eufaula, Alabama, of the time and place of said meeting. At such meeting so called the stockholders shall elect a board of directors from among their number, said board to consist of not less than three nor more than nine members, for the management of the property and business of the company. The board of directors shall elect one of their number to be president of the company, and shall also elect a secretary and treasurer, who may be the same person and who may or may not be a director in said company. The board of directors may also appoint such other officers and employees as they may find necessary, and fix such bonds and conditions to such officers so elected or appointed as they may deem requisite to protect the said company.

Books of  
subscriptionsBoard of di-  
rectors

Officers

SEC. 12. *Be it further enacted*, That at every meeting of the stockholders each stockholder shall be entitled to one vote for every share of stock owned and held by him, and any stockholder may be represented by proxy duly made and executed, but not otherwise, which said proxy shall be filed with the secretary of the company. The directors of said company shall be elected at each annual meeting of the stockholders, and they shall serve for one year or until their successors are duly elected and qualified. The said board of directors may adopt, make and establish all rules, regulations and by-laws, not inconsistent with the constitution and laws of Alabama or of the United States as may be necessary or convenient for the proper transaction and conduct of its business and may also make and adopt such rules and regulations as to enforcing the prompt payment of the monthly installments and may also make and impose such fines, penalties, and

Meetings of  
stockholders

forfeitures for the failure to make such payments as they may deem necessary and proper for the due enforcement of the payment of said installments.

Place of business

SEC. 13. *Be it further enacted*, That the said corporation shall have its main office in the city of Eufaula, Alabama, and it may establish branch office or offices in any town or county in the State of Alabama, and it may establish correspondents in the city of New York or any other large commercial centre, and may appoint agents or correspondents in such cities or commercial centres as may appear necessary for the transaction of its business or conducive to its best interest.

May do all things necessary

SEC. 14. *Be it further enacted*, That said corporation may make and enter into all such contracts and arrangements and may do and perform all such matters and things as may be necessary and convenient, directly or remotely, to carry out the several purposes of this corporation as hereinbefore set forth and declared.

May be dissolved

SEC. 15. *Be it further enacted*, That the affairs of said company shall be wound up and the corporation dissolved, whenever at a meeting called for that purpose, by publication for thirty days in a newspaper published in the city of Eufaula, Alabama, three-fourths in number and value of the stockholders shall decide that the interest of the corporation require it; but the said company shall retain the right to sue and be sued until its affairs are adjusted and settled.

Approved February 14, 1891.

319]

AN ACT

[H. 626

To protect the owners of bottles, boxes, syphons, fountains and kegs, used in the sale of soda water, mineral or ærated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, white beer, or other beverages.

Trade marks, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any and all persons and corporations engaged in manufacturing, bottling, or selling

soda water, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, white beer, or other beverages in bottles, syphons, fountains, or kegs with his, her, its or their name or names, or other mark or other devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, syphons, fountains or kegs, or the boxes used by him, her, it or them, may file in the office of the clerk of the county in which his, her, its, or their principal place of business is situated, and also in the office of the secretary of state, a description of the name or names, marks or devices so used by him, her, it or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

SEC. 2. *Be it further enacted*, That it is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, Weiss beer, white beer, or other beverages, or with medicine, compounds or mixtures, any bottle, box, syphon, fountain or keg, so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided by section one of this act, or to deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark or device thereon, or to sell, buy, give, take, or otherwise dispose of or traffic in the same without the written consent of, or unless the same shall have been purchased from, the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, box, syphon, fountain or keg so filled, trafficked in, used or handled as aforesaid. Any person or persons or corporations offending against the provisions of this section shall be guilty of a misdemeanor and shall be punished for the first offense by imprisonment not less than ten days or more than one year, or by a fine of fifty cents for each and every such bottle, box, syphon, fountain or keg so filled, sold, used, disposed of, bought

Unlawful to fill, etc

## Penalty

or trafficked in, or by both such fine and imprisonment, and for each such subsequent offense by imprisonment not less than twenty days, or more than one year, or by a fine of not less than one dollar nor more than five dollars for each and every bottle, box, syphon, fountain and keg so filled, sold, used, disposed of, bought or trafficked in, or by both such fine and imprisonment, at the discretion of magistrate before whom the offense shall be tried.

Possession  
of presumptive  
evidence

SEC. 3. *Be it further enacted*, That the use by any person, other than the person or persons, corporation or corporations, whose device, name or mark shall be or shall have been upon the same without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, box, syphon, fountain or keg, a description of the name, mark or device, whereon shall have been filed and published as herein provided, for the sale of soda water, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, Weiss beer, white beer or other beverages, or any article of merchandise, medicines, compounds or preparations, or for the furnishing of such similar beverages to customers, or the buying, selling, using, disposing of or trafficking in any such bottles, boxes, syphons, fountains or kegs, by any person other than said persons or corporations having a name, mark or device thereon, or such owner without such written consent, or the having by any junk dealer, or dealer in second-hand articles possession of any such bottles, boxes, syphons, fountains or kegs, a description of the marks, names or devices wherein shall have been so filed and published as aforesaid without such written consent shall, and is hereby declared to be presumptive evidence of the unlawful use, purchase or traffic in, of such bottles, boxes, syphons, fountains or kegs.

Search war-  
rant

SEC. 4. *Be it further enacted*, That whenever any person, persons or corporations, mentioned in section 1 of this act, or his, her, its or their agent, shall make oath before any magistrate that he, she or it has reason to believe, and does believe, that any of his, her, its or their bottles, boxes, syphons, fountains or kegs, a description of the name, marks or devices,



whereon has been so filed and published as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling soda, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, Weiss beer, white beer and other beverages, or that any junk dealer or dealer in second-hand articles, vender of bottles, or any persons or corporation has any such bottles, boxes, syphons, fountains or kegs, in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession such bottles, boxes, syphons, fountains or kegs may be found, and shall then enquire into the circumstances of such possession, and if said magistrate finds that such person has been guilty of a violation of section two of this act, he must impose the punishment therein prescribed, and he shall also award possession of the property taken upon such search warrant to the owner thereof.

SEC. 5. *Be it further enacted*, That all costs incurred in the enforcement of the provisions of this act shall be assessed and collected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned over by the magistrate collecting the same in the same manner and for the same purpose as fines in cases of misdemeanor are now by law disposed of. Costs, fines,  
etc

SEC. 6. *Be it further enacted*, That all acts and parts of acts inconsistent herewith are for the purpose of this act hereby repealed. Laws in conflict repealed

SEC. 7. *Be it further enacted*, That this act shall take effect immediately.

Approved February 14, 1891.

320]

AN ACT

[H. 1070

To establish a separate school district in the City of Eufaula, Barbour county, Alabama, and to provide means to support said separate school district.

SECTION 1. *Be it enacted by the General Assembly of*

Separate  
school dis-  
trict

*Alabama*, That the corporate limits of the City of Eufaula, in Barbour county, State of Alabama, shall constitute a school district separate and distinct from the remaining school districts and parts of districts of said county of Barbour.

Board of edu-  
cation

SEC. 2. *Be it further enacted*, That the public schools of the City of Eufaula shall be under the management of a city board of education consisting of five members to be elected annually by the city council of Eufaula at their first meeting in January in each year, one from each ward of the city at large who shall serve without pay.

City sup't of  
education

SEC. 3. *Be it further enacted*, That the management and supervision of the public schools in said school district shall be under the city superintendent of education, with such salary as the city board of education may determine to be paid out of the city treasury as other city officers are paid; the city superintendent of education shall be elected by the city board of education, and the city superintendent shall be under the superintendent of education as the county school officers are.

Duties of city  
superinten-  
dent

SEC. 4. *Be it further enacted*, That the city superintendent shall take general supervision of the public schools in the city, make full and complete reports to the superintendent of education as the law requires of county superintendents of education, and perform such other duties as are required by county superintendents under the general school law.

School  
funds

SEC. 5. *Be it further enacted*, That the City of Eufaula as such school district shall receive its proportionate share of the public school fund including the pro rata share of the sixteenth section fund of each township that lies partly within the corporate limits of the city and shall also receive all moneys which are, or may be collected from license from the sale of liquor in beat five in Barbour county, all such funds to be drawn from the proper authorities, and disbursed by the city superintendent of education in the same manner as county superintendents of education draw and disburse funds for their respective counties, and the amounts thus drawn by the city superintendent of education shall be used exclusively for the maintenance of the free public schools in the city.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 14, 1891.

321]

AN ACT

[H. 786

To amend section four of an act to amend and ratify the charter of the Selma and Cahaba Valley Railway Company, approved February 21st, 1887.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section four of an act to amend and ratify the charter of the Selma and Cahaba Valley Railway Company, approved February 21st, 1887, be amended so as to read as follows: Section 4. *Be it further enacted*, That said company may purchase or lease any other railroad line or lines or parts thereof in this state, in part or whole, and may sell or lease its line or lines and branches or parts thereof, and its franchises, rights-of-way and other property, real or personal, to any other company building or projecting a line of railway as contemplated by this charter. Charter amended

Approved February 14, 1891.

322]

AN ACT

[H. 51

To provide for the legal examination of the dead bodies of persons believed to have been poisoned, and to pay for such examination.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That hereafter whenever the probate judge of any county believes, or has cause to believe that the death of any person dying or buried in the county of which he is the probate judge was caused by poison, he shall have authority to order and obtain a chemical analysis of the stomach or its contents, one or both, and to that end may employ the state chemist to make such Duty of probate judge

analysis, and such analysis shall be reported to such probate judge.

Proper  
charge  
against  
county

SEC. 2. *Be it further enacted*, That all expenses and costs incurred under the provisions in section 1 of this act, shall be a proper charge against the county in which the probate judge orders and obtains such analysis, which must be ordered paid by the commissioners court of said county; *Provided*, the costs and expenses in no case shall exceed fifty dollars.

Approved February 14, 1891.

323]

AN ACT

[H. 630

To declare the Black Warrior River a navigable stream within the limits of Walker county, and to prohibit the obstruction of the same.

Navigable  
stream

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Black Warrior River is hereby declared a navigable stream within the limits of Walker county and wherever the said river is the boundary line of said county of Walker.

Unlawful to  
obstruct

SEC. 2 *Be it further enacted*, That it shall be unlawful for any person or persons to erect or build any dam across the Black Warrior river within the limits of Walker county and wherever the same is the boundary line of said county, or obstruct the same in any way so as to prevent or impede the free passage of boats, batteaus, canoes, flat-boats, rafts or barges from navigating said stream; and it shall also be unlawful to obstruct in any way said stream within the limits of Walker county or where the said river is the boundary line of said county so as to prevent the free passage of fish up and down said stream at any and all seasons of the year.

Removal of  
obstruction

SEC. 3. *Be it further enacted*, That any person or persons who have heretofore so obstructed said stream within the limits of Walker county as described within this act shall be required to remove said obstruction within sixty days after the passage of this act.

Penalty

SEC. 4. *Be it further enacted*, That any person or persons violating the provisions of this act or who

shall fail to remove any obstructions as provided for by section 3 of this act within sixty days after the passage of the same shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail for not more than three months, at the discretion of the court trying the same.

SEC. 5. *Be it further enacted*, That any person tried or convicted for failing or refusing to remove obstructions in the said river as provided for in section 3 of this act, and who shall allow the said obstruction to still remain for a period of ten days after his trial or conviction, may be tried and convicted anew for every ten days that the said obstructions remain, with the same penalty as provided for in section four of this act.

Renewed  
convictions

Approved February 14, 1891.

324]

AN ACT

[H. 654

To authorize the mayor and councilmen of Brewton to issue bonds of said city for an amount not exceeding twenty-five thousand dollars, for the purpose of putting in a system of water works and making other permanent improvements in said city.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and councilmen of Brewton be, and they are hereby authorized to issue bonds of said city of Brewton to an amount not exceeding twenty-five thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named, in denominations of not less than one hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness, in the city of Montgomery, at some bank designated by the board.

Authority to  
issue bonds

By whom  
signed, etc

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Protection of  
commercial  
paper

SEC. 3. *Be it further enacted*, That said mayor and councilmen of Brewton are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and shall be receivable for all dues to the city in the way of taxes and otherwise.

Sale of bonds

SEC. 4. *Be it further enacted*, That said mayor and councilmen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than ninety cents on the dollar, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, to be used and applied in constructing and operating a system of water works in said city, and in purchasing, building and improving school houses in said city and in opening and improving the streets of said city, and in building and constructing sewers in said city; *Provided*, that not more than five thousand dollars of said money be devoted to purchasing, improving and building school houses, and not more than three thousand dollars to opening and improving the streets, and not more than two thousand dollars to building and constructing sewers.

Disposal of  
proceeds

SEC. 5. *Be it further enacted*, That the use, payment, and application of said money shall be under the direction of said board of mayor and councilmen of Brewton and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of said bonds named in this act.

Under direc-  
tion of may-  
or and coun-  
cil



SEC. 6. *Be it further enacted*, That the bonds herein provided for shall have priority over all bonds of said city which may be hereafter issued, and it shall be the duty of said mayor and councilmen of Brewton to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may be hereafter issued by said city.

Priority over  
other bonds

SEC. 7. *Be it further enacted*, That the board of mayor councilmen of the city of Brewton shall provide for the payment of the principal of said bonds by setting apart for that purpose from the revenues of the said city of Brewton each year, beginning with the year 1891, five per cent of the amount of bonds issued under the provisions of this act.

Sinking fund

SEC. 8. *Be it further enacted*, That these bonds shall be exempt from municipal taxation.

Exempt from  
municipal  
tax

Approved February 14, 1891.

325]

AN ACT

[H. 270

To authorize the purchasers of a street railroad at a judicial sale or other sale by authority of law, to organize as a corporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the purchasers of a street railroad, existing under the laws of this state, not being less than three in number, at any judicial sale, or other sale by authority of law, made since the adoption of the present constitution, or which may be hereafter made, may organize as a corporation, entitling themselves, their associates and successors to all the powers, rights and capacity of a corporation organized under the general law.

May organ-  
ize as corpo-  
ration

SEC. 2. *Be it further enacted*, That such purchasers must make a declaration in writing signed by each of them stating: 1. The corporate name and style adopted by them. 2. Their names and places of residence, the capital stock of the proposed corporation, and the number of shares into which it is divided. 3. The purpose to organize as a corporation under the general law, the

Contents of  
declaration

Duty of probate judge

property purchased by them, the name of the corporation to which it belonged, and the sale at which they purchased. 4. Such other matters as they may deem it desirable to state ; which declaration must be filed and recorded in the office of the probate judge of the county in which the street railroad is located; and upon the filing and record of such declaration, the probate judge of such county must issue to such purchasers, their associates and successors a certificate of incorporation, in the manner provided under the general law for the incorporation of street railroad companies, under the seal of his office, which must be recorded in his office, and thereafter such corporation must be deemed duly organized.

Purchasers at mortgage sale, etc

SEC. 3. *Be it further enacted*, That the purchasers of a street railroad, the property of a corporation, at a sale under a power in a mortgage or deed of trust, or under a decree foreclosing a mortgage, deed of trust or other security if such mortgage, deed of trust, or other security embraced in the franchises of such corporation, are entitled to, and shall have, hold and enjoy such franchises ; *Provided*, they organize as a corporation under the general law, in the mode prescribed in the preceding section.

Approved February 14, 1891.

326]

AN ACT

[H. 130

To confirm and amend the charter of the New Decatur Terminal Company.

Charter confirmed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter heretofore granted by the probate court of Morgan county, Alabama, to the New Decatur Terminal Company be and the same is hereby confirmed, and said company shall have succession by its corporate name perpetually.

May lease to others

SEC. 2. *Be it further enacted*, That said company shall have the power to lease to the Memphis and Charleston Railroad Company or any other persons or corporation for a term not exceeding ninety-nine years all of its property, including all of its chartered rights,

franchises and privileges as well as its other property, real and personal. Such lease must not be made otherwise than by the consent of the holders of the larger part in value of the capital stock expressed by vote at a meeting of the stockholders called for that purpose, of the time and place of which meeting and of the purpose for which it is called, thirty days notice must be given each stockholder personally whose residence is known, and by publication for four consecutive weeks in a newspaper published nearest to the place of business of the corporation.

SEC. 3. *Be it further enacted*, That said company Capital stock shall have the right to increase its capital stock to a sum not exceeding ten millions of dollars by the vote of the persons holding the larger amount in value of the capital stock at a meeting called for that purpose of which meeting and the purpose for which it is called thirty days notice must be given each stockholder personally whose residence is known and by publication for four consecutive weeks in some newspaper published in the town or city in which the corporation is located and if at such meeting the persons holding the larger amount in value of the stock vote for such increase the proceedings of the meeting must be reduced to writing, signed by the president or chief executive officer of the corporation, and filed and recorded in the office of the judge of probate of the county. Each stockholder is entitled to a preference in taking of the increased stock an amount in proportion to the amount of the original stock he may own.

SEC. 4. *Be it further enacted*, That said company shall have the right to construct and operate such railroads as may be necessary in connection with its railroad depots and other terminal facilities owned and used by it in and adjacent to the cities of Decatur and New Decatur, in Morgan county, Alabama, and it shall also have the right to acquire by gift, purchase or condemnation proceedings instituted and prosecuted in accordance with the statute law of Alabama now regulating such condemnation proceedings by railroad companies such rights-of-way and interests in lands as may be necessary in the construction of railroad tracks and terminal facilities in and adjacent to said cities of

Right to construct railroads, etc

Decatur and New Decatur, in Morgan county, Alabama, and said company shall have the right to hold, own and possess all such lands as may be necessary for the laying of railroad tracks in and to such terminal property as they may own and possess in and adjacent to said cities.

Approved February 14, 1891.

327]

AN ACT

[H. 586

To amend section nine (9) of an act entitled an act to incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, approved February 28, 1889.

Railroad  
charter  
amended

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section nine of an act to incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, approved February 28, 1889, be, and the same is hereby amended so as to read as follows: That the said railroad shall be commenced and at least twenty (20) miles therof let to contract within four (4) years from the passage of this act, and said corporation shall exist for fifty (50) years.

Approved February 14, 1891.

328]

AN ACT

[H. 723

To incorporate Lineville College, at Lineville, Clay county, Alabama.

Name, rights  
etc

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That W. H. Blake, W. P. Arnett, Isaac N. Morgan, William Smith and W. D. Haynes and their successors in office shall be, and are hereby declared a body corporate under the constitution and laws of the State of Alabama, by the name and style of Trustees of Lineville College, in the town of Lineville, in the county of Clay, and State of Alabama, which college

shall be for the higher education of males and females of the white race, and by the name of Lineville College, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, and shall have power to borrow money, receive donations, and bequests for the use of such college; to purchase and sell and have and hold real estate and other property in perpetuity.

SEC. 2. *Be it further enacted*, That said body corporate shall have power to pass all such rules, regulations and by-laws, not inconsistent with the constitution and laws of the State of Alabama, as they shall see proper and deem advisable for the good government and proper regulation of said college, and shall have power to elect annually by a majority of its members a president, secretary and treasurer and other necessary officers from the members of the body corporate, and to fill all vacancies in such offices; to adopt a common seal and to alter said seal at pleasure; and to act without such seal if a majority deem best, as fully as with such seal under the general laws of this state. Powers

SEC. 3. *Be it further enacted*, That the trustees shall be elected annually by the stockholders of said college in such manner as they shall prescribe, but any vacancy occurring in the said board of trustees the same may be filled by a majority of the remaining trustees. Vacancy in board

SEC. 4. *Be it further enacted*, That the said body corporate and their successors in office, or a majority of the members composing the same, are empowered to elect and employ annually or otherwise a principal teacher and such other teachers as may be necessary to meet the demands of the college, and the principal teacher and such other teachers as may be employed to teach with him in said college, shall constitute the faculty of the college, of which the principal teacher shall be president with full power to execute all rules and regulations and by-laws adopted by the trustees. Faculty

SEC. 5. *Be it further enacted*, That the president of the faculty and the trustees and their successors in office, shall regulate the matriculation and tuition fees, and adopt a course of study which shall embrace the different grades adopted by the state, and such other branches as they may deem best for the higher education of their pupils. Tuition fees, etc.

Diplomas

SEC. 6. *Be it further enacted*, That the president of the faculty and the trustees of the college are authorized to confer degrees upon and grant diplomas to pupils who satisfactorily complete the course of study adopted, such diplomas having the same efficiency as those granted by other colleges and institutions of learning; and no diploma shall be valid unless signed by the president of the faculty and secretary of the same.

Exempt from  
tax, etc

SEC. 7. *Be it further enacted*, That the said corporation may acquire, own and use property, real and personal, not to exceed in amount the sum of twenty-five thousand (\$25,000) dollars, not including any endowments that may be procured, and the said property hereby authorized to be owned and used, with any endowment funds, shall be exempt from taxation, whether state, county or municipal, so long as the same is used for the purposes of education.

SEC. 21. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 14, 1891

329]

AN ACT

[H. 362

To authorize payment of account of the Brown Printing Company.

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor shall draw a warrant on the treasurer in favor of the Brown Printing Company for the sum of one hundred and eighty-two dollars and twenty-six cents, balance them for work on 87th volume of Alabama Reports, said work being additional number of pages put in said book in order to contain all decisions of supreme court for previous term.

Approved February 16, 1891.



330]

AN ACT

[H. 1056]

To provide clerical assistance for the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judges of the supreme court be and they are hereby authorized to use such part of the funds provided by law for the supreme court library as may at any time not be needful for that purpose, in the employment and compensation of a copyist at such times and for such periods as may be necessary. May employ copyist

Approved February 16, 1891.

331]

AN ACT

[H. 128]

To amend section 4301 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4301 of the code be amended so as to read as follows: 4301 (4734) *Persons exempt from jury duty*.—The following persons are exempt from jury duty, unless by their own consent: Professors and students of universities and colleges; teachers and pupils of academies and common schools; ministers in charge of churches; judges of the several courts; attorneys-at-law during the time they practice their profession; practicing physicians; practicing dentists; county commissioners; officers of the United States; officers of the executive departments of the state government; sheriffs and their deputies; clerks of court and coroners; justices of the peace and constables during their continuance in office; keepers of public mills, ferries, toll-bridges and toll-gates; the officers of any railroad or other road constructed under the authority of this State, whose duties would naturally interfere with serving on juries; the officers and crew of any steamboat navigating the rivers of this state; members of incorporated fire companies; officers of the penitentiary, the superintendent and physician of the insane hospital and his assistants; all mail contractors, mail agents and public stage drivers; one druggist in Exempt from jury duty

town or village having but one drug store ; every commissioned officer, non-commissioned officer, musician and private during the time he is a member of the Alabama state troops, and all township superintendents of public schools.

Approved February 10, 1891.

332]

AN ACT

[H. 752

To protect the public property at Hayneville.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter it shall not be lawful for any person to hitch or tie any beast to the fencing around the public squares at Hayneville, or to hitch or tie any beast to any tree standing on said squares.

SEC. 2. *Be it further enacted*, That any person violating the provisions of section 1 of this act shall be subject to a fine of ten dollars, and the costs of prosecution and conviction.

SEC. 3. *Be it further enacted*, That the sheriff of the county, or his regular deputy, may and he is hereby authorized to arrest any person whom he may find to be violating this act, and take such offender before the judge of the county court or any justice of the peace of Hayneville beat.

Approved February 16, 1891.

333]

AN ACT

[H. 518

To regulate trials by juries, in the county court of Clarke county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That when a defendant charged with a misdemeanor in the county court of Clarke county demands a trial by a jury, the case goes over to the next ensuing January or July term of said court, which shall be known as the jury term of said court.

SEC. 2. *Be it further enacted*, That the commissioners court of said county shall, at the same term, and in the same manner, they now draw petit jurors for the circuit court of said county, draw fifteen petit jurors, for each jury term of said county court, and deliver the names of said jurors, with the term for which they are drawn, to the clerk of the county court of said county, who shall issue notice to each of said jurors, and place the same in the hands of the sheriff of said county at least thirty days before each jury term of said county court, and it shall be the duty of said sheriff, to promptly execute said notices; *Provided*, that if there are no cases to be tried by a jury that the clerk of said court shall not issue the notices provided for in this section.

Approved February 16, 1891.

334]

AN ACT

[H. 316

To declare Clark Frizzle, W. C. Frizzle, liners between the counties of Bullock and Montgomery, citizens of Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Clark Frizzle, and W. C. Frizzle, liners between the counties of Bullock and Montgomery, be and they are hereby declared to be citizens of the county of Montgomery.

Approved February 16, 1891.

335]

AN ACT

[H. 953

For the relief of Gay, Hardie & Co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be and he is hereby authorized and required to draw his warrant on the treasurer for one hundred and fifty-eight dollars in favor of Gay, Hardie & Co., which amount shall be paid out of any

Jurors for  
county court

Citizens of  
Montgomery  
county

Appropriation

money in the treasury not otherwise appropriated, to pay said Gay, Hardie & Co. for gunpowder sold by them to the State of Alabama, for the use of the second regiment of state troops about June 10th, 1885.

Approved February 16, 1891.

336]

AN ACT

[H. 596

To legalize the marriage of William H. Bottoms and Mary C. Bottoms, the widow of John H. Bottoms, deceased.

Marriage le-  
galized

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the marriage William H. Bottoms and Mary C. Bottoms be, and the same is hereby declared a legal and valid marriage, and that the children heretofore or hereafter born to them, be and the same are made their lawful heirs, with the right to inherit from their said parents or either of them.

Approved February 16, 1891.

337 ]

AN ACT

[H. 649

To refund to William Mastin of Elmore county, thirty-one 75-100 dollars, wrongfully paid by him as taxes to the state.

Taxes re-  
funded

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the treasurer of the state is hereby directed to pay William Mastin of Elmore county, thirty-one 75-100 dollars, out of any money in the treasury not otherwise appropriated, the said sum being the amount heretofore paid by him, as taxes, when he was exempt therefrom.

Approved February 16, 1891.

338]

AN ACT

[H. 254

To amend section 4429 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4429 of the code of Alabama be amended, so as to read as follows: 4429. Bail may at any time, before a conditional judgment is rendered against them, exonerate themselves by surrendering the defendant, and for that purpose, they may arrest the defendant, on a certified copy of the undertaking at any place in the state, or may authorize another person to arrest him, by an indorsement in writing on such copy; *Provided*, that after the rendition of such conditional judgment, against them, bail may still arrest the defendant in the same manner as provided in this section, but such arrest and delivery of the defendant to the sheriff shall not exonerate said bail unless in the judgment of the court trying the case a good and sufficient excuse is given for the failure of the defendant to appear at the time such conditional judgment was rendered on the bond or undertaking of bail; *Provided*, that nothing in this act shall affect any bail or appearance bond heretofore executed.

Bail for appearance of defendant

Approved February 16, 1891.

339]

AN ACT

[S. 686

To amend an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one-half mile of the City Mission church, and the Corinthian Baptist church in Mobile county and other places named therein and known as the "Omnibus liquor bill," approved December 10, 1890.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous, or malt liquors within one-half mile of the City Mission church and the Corinthian Baptist church,

Prohibition repealed as to Dadeville

in Mobile county, and other places therein named and known as the "Omnibus liquor bill," approved December 10, 1890, be so amended as not to apply to the corporate limits of the town of Dadeville, in Tallapoosa county.

Approved February 16, 1891.

340]

AN ACT

[H. 1028

To pay for articles purchased for the use of the Senate and House of Representatives and for repairing the Senate Chamber and the Hall of the House of Representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That two hundred and ninety-nine and 80-100 dollars be appropriated to pay James Armstrong, the door-keeper of the senate, for articles purchased for the use of the senate and for repairing the senate chamber, and the sum of two hundred and forty-four and 70-100 dollars be appropriated to pay Robert Hasson, the door-keeper of the house of representatives for articles purchased for the use of the house of representatives, for repairing the hall of the house of representatives, and for repairing and furnishing the rooms of the engrossing and enrolling clerks of the house of representatives.

Appropriation

SEC. 2. *Be it further enacted*, That the auditor is required to draw his warrant on the state treasurer for the amounts set forth in section 1, hereof and in favor of the parties therein named which shall be paid out of any money in the treasury not otherwise appropriated.

Auditor to draw warrant

Approved February 16, 1891.



341]

AN ACT

[H. 868

To divest the title, interest and estate of the State of Alabama out of certain land in Talladega county, and invest the same in Drucilla Lawler:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all the right, title, interest and estate which the State of Alabama has in and to a certain lot, tract or parcel of land, described in a certain deed of the American Missionary Association to Drucilla Lawler, dated June 26th, 1890, and recorded in the probate office of Talladega county, Alabama, in book of deeds P.P. page 460, and particularly described as follows, to wit: Beginning at a point one hundred and eighty-two feet west of the northeast corner of lands belonging to the American Missionary Association, and occupied for farming purposes (said land lying in the west half of southwest quarter of the northwest quarter of section 27, township 18, range 5, east in Talladega county, Alabama,) running thence west one hundred and ninety-nine feet, thence north two hundred feet, thence east one hundred and ninety-nine feet, thence south two hundred feet to the point of beginning, be and the same is hereby divested out of the State of Alabama, and invested in Drucilla Lawler, Talladega county, Alabama.

Title divested  
out of state

Approved February 16th, 1891.

342]

AN ACT

[H. 890

To ratify and confirm the subscriptions to and organization and incorporation of the Gulf Coke and Coal Company and to enlarge the power of said Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter of the Gulf Coke and Coal Company, a corporation heretofore on the twenty-second day of December, A. D. 1887, created and organized under and by virtue of the general laws of this state, authorizing the organization of mining

Charter  
confirmed

and manufacturing corporations, and all subscriptions to the capital stock of said company originally made and the transfer of the lands of the Gulf Coal and Coke Company to said Gulf Coke and Coal Company in payment of said subscriptions and the organizing of said company, be and the same are hereby in all things ratified and confirmed. And the said Gulf Coke and Coal Company is hereby authorized to have and enjoy all the powers set forth in its declaration of incorporation or authorized by the general incorporation laws under which said company was attempted to be organized in all respects as if said company had been duly incorporated with such powers under a special act of the legislature.

May sub-  
scribe to  
stock of  
other com-  
panies, etc

SEC. 2. *Be it further enacted*, That the said company, instead of building a railroad or railroads or tramways for the development of its mines, may subscribe to the capital stock of any other company for the purpose of aiding in the construction of any such road, or may secure by lease or purchase any other railroad or part of a railroad available for the purpose of said company, and the franchise thereof, or make a joint arrangement with any other company by virtue of which the said Gulf Coke and Coal Company shall have the use of the tracks of such other company, or by virtue of which such other company may have the use of the tracks of said Gulf Coke and Coal Company; and all other companies with whom the said Gulf Coke and Coal Company is hereby authorized to deal or contract or whose road said company is authorized to purchase or lease, are hereby authorized to make such contracts, lease or sales to said Gulf Coke and Coal Company as if said other roads were expressly so authorized in their respective charters.

Exchange of  
stock, lands,  
etc

SEC. 3. *Be it further enacted*, That the said Gulf Coke and Coal Company is hereby authorized to subscribe to the capital stock of any railroad company which may be organized, or which may be available for the purpose of developing coal mines and transporting coal; and the said Gulf Coke and Coal Company, where the lands of said company interlace or are contiguous to, or are so related to the lands of any other coal company as to make it in the estima-

tion of the directors of said Gulf Coke and Coal Company, and such other company, desirable that there should be an exchange of lands or portions of lands, or that one company should sell its lands to or purchase lands from such other company portions of its said lands, the said companies may make such purchase and sale respectively; and the said Gulf Coke and Coal Company is authorized to take in payment of any lands so sold by it the stock of any other such coal company or to pay for lands so purchased by it with its own stock; and the said companies respectively are authorized to hold such stock and the same shall be entitled to all the privileges of any other stock of said companies.

Approved February 16, 1891.

343]

AN ACT

[H. 907

To reimburse C. J. Ross, sheriff of Pike county, for expenses incurred by him in going to Florida and removing one John Blue a prisoner from the jail in Tallahassee, Florida, to Troy jail in Pike county, and for expenses in capturing one Johnson Ellis, charged with murder, who was tried and convicted and is now serving a life sentence in the penitentiary of this state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be authorized to draw his warrant on the treasurer of the state for the amount of one hundred and thirty-five 27-100 dollars in favor of C. J. Ross, sheriff of Pike county, to reimburse him for expenses incurred by him in going to Tallahassee, Florida, and removing one John Blue a prisoner from jail in Tallahassee, Florida, to jail in Troy, Pike county, and for expenses incurred in capturing one Johnson Ellis charged with murder, now serving a life sentence in the penitentiary.

Appropriation

Approved February 16, 1891.

To amend an act to establish a charter for the City of Troy, in Pike county.

Charter  
amended

Powers of  
mayor and  
council

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section (17) seventeen of an act entitled an act to establish a charter for the city of Troy, in Pike county, and approved February 17, 1870, be amended so as to read as follows, to-wit: Section 17. Be it further enacted, That the mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits, and provide places for the reception of the sick; to erect a calaboose, and may use the county jail for all purposes of imprisonment, and the jailor is required to receive and place in or allow the marshal to place in the jail such persons as the mayor sentences thereto, and such as the marshal arrests and requires the jailor to receive; to establish day and night watches; to license and regulate the retailing and the wholesale of liquors within the corporate limits, and to provide for the annulling and revoking such license for good cause being shown; to prohibit the sale or giving away of liquors on any election day; to erect and repair bridges; to regulate partition fences, and determine by whom they shall be kept in repair; to prohibit and disperse all unlawful and disorderly assemblages; to license and regulate hawkers and peddlers, and for good cause annul their license; to license, restrain and regulate theatrical and other exhibitions and shows of whatever character, kind or name for pay, and also lectures and concerts for pay, except lectures and concerts for charitable purposes; to license and regulate hackney coaches, carriages, wagons, carts and drays, and vehicles of all kinds running from one part of the corporate limits to another for hire; to license and regulate pawnbrokers, auctioneers, commission merchants, dry goods and grocery merchants, and keepers of hotels, eating houses, livery and sale stables, barber shops, billiard rooms, bowling saloons, and ten-pin alleys, and stores and shops for the sale of any goods, provisions, drugs, and any

other articles or commodity whatever ; lawyers, doctors, dentists, and any other persons or company carrying on any other trade, profession, occupation, business or calling whatever ; to fix the price or tax on all licenses, and to prescribe whether the individual members of firms or companies shall pay a license, or any other regulation to equalize and make just the license tax ; to restrain and prohibit gambling and gaming houses and houses of ill fame ; to sink and keep in repair public wells ; to prohibit and punish violations of the Sabbath ; to prevent stock of any kind from running at large in the public streets or alleys ; to keep in repair the streets, alleys or avenues, and to open new ones ; and to pave and keep in repair sidewalks, and to declare a lien upon the property of abutting lot owners to pay for the same ; to declare a limit wherein wooden houses or structures shall not be erected ; to prohibit riots, routs, assaults, and batteries, and all other breaches of the peace, and all misdemeanors and felonies ; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment or by work on the streets, or other work of the city, for any breach of the laws, by-laws, ordinances of the corporation ; but no fine shall exceed fifty dollars, and no imprisonment or work on the streets or other work of the city shall exceed thirty days, and also to provide, where fine and costs are not presently paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the city officers ; *Provided*, that the time of such work shall not exceed thirty days ; and to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for the good government of the city, not contrary to the constitution and general laws of the state, or to the restrictions in this act expressed.

Powers of  
mayor and  
council

Approved February 16, 1891.

To ratify and confirm the organization of the Birmingham and Atlantic Railway Company, and to confirm and amend the charter thereof.

Charter  
confirmed

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the organization of the Birmingham and Atlantic Railroad Company, a corporation formed under the general laws of Alabama, be and the same is hereby ratified and confirmed, and the Birmingham and Atlantic Railroad Company is hereby declared to be a body corporate under the laws of Alabama, and by that name is hereby authorized to sue and be sued, to make a common seal and the same to break, alter and renew at pleasure; to have and to hold real and personal property for present and future business and purposes of such company, as well as such other property as it may acquire by gift, devise, donation or purchase for investment or development, and to have, enjoy and secure their franchises within any other state that may grant, authorize or permit the same; to make rules and regulations and by-laws for the management and direction of such corporation not contrary to the laws of this state, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies necessary for the carrying out of the objects and purposes of said corporation.

Route, with  
branches

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad, with one or more lines from the city of Birmingham, in Jefferson county, Alabama, by way of Talladega county, Alabama, to LaGrange, in the state of Georgia, across the eastern line of the State of Alabama, at some point in the county of Randolph, the county of Chambers, or the county of Lee, in the State of Alabama, with branches from the same on such route as may be found best for the interests of said company.

Right-of-  
way

SEC. 3. *Be it further enacted*, That for the purpose of constructing said railroad and branches the said company is hereby authorized to lay out the same not



exceeding one hundred feet wide, and for the purposes of depots, machine shops, warehouses, engine houses, water stations, car shops or chutes, eating houses, car or depot yards, necessary or convenient for the business of the company, and for the purposes of cuttings, embankments, and for switches, connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber or other materials, or for the purposes of protecting its structures, may take as much more land as the necessities of such company may from time to time require for the use and protection of such railroad and structures; *Provided*, That no such property shall be taken or applied unless just compensation to the owner shall first be made as provided by the constitution and the general laws of this state, but said company may previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad and structures.

SEC. 4. *Be it further enacted*, That said company by a vote of two-thirds in value of the entire stock at a meeting of the stockholders called for the purpose, notice of the time and place of which meeting and the purpose for which it is called must be given in the manner prescribed by the directors, may acquire by purchase, lease or otherwise, any part or all of any other railroad, if the lines of said railroad are continuous and connected with the road of the Birmingham and Atlantic Railroad Company, as constructed or proposed to be constructed, ~~or~~ may lease to or sell to or enter into any arrangement with the said continuous or connecting road as may be agreed upon between them, and the said Birmingham and Atlantic Railroad Company may consolidate with any other railroad if the lines of said railroad are continuous or connecting with its lines as constructed or proposed to be constructed.

May lease or  
purchase  
other roads,  
etc

SEC. 5. *Be it further enacted*, That there is hereby granted to the said company a right-of-way over any of the lands of the state.

Right-of-  
way

SEC. 6. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location, or whenever the topography of the line of the railroad may require, said railroad company may cross or build

over the right-of-way of any other railroad for a consecutive distance not exceeding in any case two miles, and said railroad or branches may be built across or on or along any of the highways or public roads of the country, or across or along the streets of any incorporated town or city through which it may be necessary to pass, or across any of the navigable waters along the line of its road or roads; *Provided*, the said highways, roads and streets shall, after the construction of said railroad thereon or thereover, be restored to as good a condition as practicable; *Provided further*, that in crossing the Coosa river at any navigable point, they shall place therein a draw-bridge giving a clear passage not less than fifty feet; *Provided*, that in case the right-of-way or building material shall be condemned, it shall be done and condemned under the forms and requirements of the law as now provided, and the consent of incorporated towns or cities shall first be had and obtained to the use of streets and alleys for such right-of-way, before the same shall be used and occupied.

Board of directors

SEC. 7. *Be it further enacted*, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven, as shall from time to time be fixed by the by-laws and any other such officers or agents as the directors shall appoint or authorize. The board of directors shall consist of stockholders annually chosen by the stockholders of said company. A majority of the directors shall be a quorum for the transaction of business. They shall elect annually one of their number to be president, who shall be president and executive officer of the company, and a secretary and treasurer.

May borrow money

SEC. 8. *Be it further enacted*, That this company may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds or other evidences of debt, and by a vote of a majority of its stock had at a meeting called for that purpose, notice of the time and place of which meeting and the purpose for which it is called must be given for such time and in such manner as the directors of this company shall require, may secure payment of notes, bonds or other evidences of debt by mortgage or deed

of trust on its franchise, and on any or all of its property both real and personal.

SEC. 9. *Be it further enacted*, That said railroad company may construct and operate a telegraph line or lines in and along, and upon any and all portions of its right-of-way of its main line and branches, both for its own use and also for doing a public telegraph business; but said company shall not be compelled to do a telegraph business on its line or at any particular station thereon unless it so desires; *Provided*, that this right shall not exclude any other persons or corporation to construct similar lines of telegraph along said rights-of-way as now provided by law.

May construct and operate telegraph

SEC. 10. *Be it further enacted*, That the stockholders of said company may issue preferred stock not to exceed in the aggregate, the amount of one-third of the capital stock of said company, and may provide for and secure the payment of dividends thereon out of the earnings of said company at a rate not to exceed six per cent. per annum, in preference and priority over the common stock; said preferred stock to be divided into shares of such par value as they may determine, but no preferred stock shall be issued except in pursuance of a resolution adopted by a majority vote of the stock of said company at a meeting of the stockholders called for the purpose, notice of the time and place of which meeting and the purpose for which it is called must be given to the stockholders for such times and in such manner as the directors may determine; *Provided however*, that no preferred stock shall be issued except upon surrender and cancellation of common stock of equal par value and to each stockholder pro rata in the proportion of the number of shares of common stock held by him.

Preferred stock

SEC. 11. *Be it further enacted*, That the Birmingham and Atlantic Railroad Company has authority to increase the capital stock to a sum not exceeding five millions of dollars and to decrease its capital stock to a sum not less than five hundred thousand dollars; but such increase or decrease can be made only at a meeting of the stockholders called for that purpose, and by the vote of the persons holding a majority in value of the capital stock, of the time and place of which meet-

May increase or decrease capital stock

ing, and of the purpose for which it is called, notice must be given to the stockholders for such time, and in such manner as the directors may determine. If at such meeting the persons holding a majority in value of the stock vote for the proposed increase or the proposed decrease, the proceedings of the meeting must be reduced to writing and entered on the books of the minutes of the corporation, and a copy thereof verified by the secretary and president under the corporate seal must be filed and recorded in the office of the secretary of state.

Bonded in-  
debtedness      SEC. 12. *Be it further enacted*, The indebtedness of the corporation evidenced by negotiable bonds or bonds in any form, and secured by a mortgage or deed of trust may be increased only at a meeting of the stockholders called for that purpose, of the time and place of which meeting, and of the purpose for which it is called, notice must be given the stockholders for such period of time, and in such manner as the directors may determine, and such increase can be made only by the vote at said meeting of the persons holding a majority in value of the capital stock.

Annual  
meetings      SEC. 13. The stockholders must meet annually, at such time and place, and on such notice as may be prescribed by the by-laws for the election of directors and other officers, and the transaction of business generally. At such annual meeting any business authorized to be transacted at said meeting may be transacted, if notice be given as required in reference to a special meeting that such business will be considered and transacted.

Powers      SEC. 14. *Be it further enacted*, That said Birmingham and Atlantic Railroad Company shall have and possess, in addition to the powers hereby granted, all the rights, powers and privileges which are or may hereafter be conferred by the statutes of Alabama upon railroad companies organized under the general laws of the state, and nothing in this act contained shall be construed to preclude or prevent said company from exercising such rights, powers and privileges in the manner provided for corporations organized under the general laws.

Approved February 16, 1891.

To prevent stock from running at large in the several beats or parts of beats in Cherokee county, to authorize elections thereon, and to provide for building and maintaining fences and gates.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever ten freeholders or householders in any beat or part of beat in Cherokee county shall petition the probate judge of said county asking that an election be held in said beat or part of said beat to decide whether in said beat or part of beat stock shall be prohibited from running at large, the probate judge shall order an election in such beat or part of beat described in the petition, and at a place to be designated in said petition, and shall notify the public that an election will be held at said voting place not less than twenty nor more than thirty days from such publication, specifying the day of election, to decide whether in said beat or part of beat described in said petition stock shall be prohibited from running at large. The probate judge shall also appoint two managers of such election one of whom favors and the other opposes such law. At such election the qualified voters of said beat or part of beat only shall be allowed to vote. Those favoring the running at large of stock shall have on their ballots "stock at large" and those opposing shall have on their ballots "no stock at large;" said ballots at the close of the election shall be counted by the managers and the result certified to the probate judge within two days after said election. If a majority of the votes cast as certified by the managers are in favor of prohibiting stock from running at large the said probate judge shall enter an order on the minute books of the court of county commissioners, and it shall be unlawful in such beat or part of beat for the owner of any stock to permit such stock to go upon the land or crop of another within the prohibited territory, and for each wilful violation of this section the owner of such stock shall be guilty of a misdemeanor and upon conviction of such offense shall be fined not less than five nor more than fifty dollars; and

Election on  
stock law  
district

Words on  
ballots

If in favor,  
duty of pro-  
bate judge

Penalty

## Contests

the term stock where it occurs in this act shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs, and pigs.

SEC. 2. *Be it further enacted*, That for every election provided for in this act the judge of probate shall appoint two challengers one favoring and the other opposing the law if any contest arises as to the result of any election held under the provisions of this act. The party so contesting shall file with the probate judge within five days after said election his objections to granting the order prohibiting the running at large of stock and shall give bond with sufficient security to be approved by the probate judge to pay the cost of the contest; the said judge shall cause the sheriff to summon twelve jurors residing outside of said beat or part of beat who shall sit on the trial of said contest, and said jury shall be sworn by said judge to render a true verdict, and on a day to be named by the judge, not less than five nor more than ten days from the filing of the contest a trial shall be had at which said judge shall preside and conduct the same as other trials: the issue to be decided on such trials shall be: 1. Was said election held according to the provisions of this act? 2. Was the result for or against stock at large?

## Rules governing election

SEC. 3. *Be it further enacted*, That the election provided for by this act shall be held within the hours and under the rules governing general elections in this state. That the managers may administer to each other an oath that they will conduct the election fairly, and a true certificate render to the judge of probate. If any of them fail or refuse to serve any other competent man residing in the territory described may serve; *Provided*, there shall be but one election under this act in any one year and any officer failing to perform his duty under this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined one hundred dollars.

SEC. 4. *Be it further enacted*, That for any damage done by stock running at large in such prohibited territory the owner shall be liable to the injured party in twice the amount of the damage done to be recovered by suit before any court having jurisdiction and any



such judgments recovered shall be a lien on the stock so committing the damages and the court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment, shall seize and sell the said stock for the satisfaction of the judgment.

SEC. 5. *Be it further enacted*, That the prosecutions and civil actions provided for in this act may be tried before any justice or notary public with justice jurisdiction in the beat where the offense or damage occurs and the amount of damage does not exceed fifty (50) dollars. If the justice of the peace or notary public is incompetent or there is a vacancy in such offices then trial shall be before a justice of the peace or notary public of the nearest beat wherein the above objections do not apply. For such trials and prosecutions said justice courts shall always be open, but three days notice shall be given the opposite party. Trials before justice

SEC. 6. *Be it further enacted*, That the petitioners shall pay the costs of holding any election provided for in this act. Costs

SEC. 7. *Be it further enacted*, That the provisions of this act shall not take effect until a fence shall have been built on the line prescribed in the petition and gates across the public roads running through said district and said fence and gate shall be built by the real estate owners within said prohibited district. Line fence

Approved February 16, 1891.

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AN ACT

[H. 884

To incorporate the Alabama, Florida and Chattanooga Railway Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That W. S. Winters, R. M. Murphy, W. T. Spratling, W. W. Barnes, C. A. Traywick, H. L. Bandy, Augustus Barnes and their associates be, and they are hereby constituted a body corporate and politic by the name of the Alabama, Florida and Chattanooga Railway Company, and by that name or by such other name Railway charter  
Name, rights, etc

as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, make a common seal, the same to break, alter and renew at pleasure; to have and to hold real or personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase for investment or development; and to have and enjoy and secure their franchises within any other state that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation not contrary to the laws of this state, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the full carrying out of the objects and purposes of this act.

Route

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate and construct and thereafter maintain and operate a railway with one or more tracks of rails from some point on the line of the State of Tennessee through the State of Alabama, via Opelika, Lee county, Alabama, to the line of the State of Florida, on such route or routes as may be found best with the view of making terminal points at Chattanooga, Tennessee, and some point on the coast.

Right-of-

way

SEC. 3. *Be it further enacted*, That said company is hereby authorized for the purpose of constructing said railroad, to lay out the same not exceeding one hundred feet wide, and for the purpose of constructing necessary buildings and for the convenient operation of the railway or for the purpose of protecting its structures, may take as much more land as the necessities of the company may from time to time require, such taking being governed by the laws and constitution of this state regulating the taking of private property under the general incorporation laws.

May sell or  
lease

SEC. 4. *Be it further enacted*, That said company may for the purpose of making through lines make a common stock or any other lawful contract whereby it may sell or lease to any other company any or all of its said railway and the franchises thereof.

SEC. 5. *Be it further enacted*, That said railway

company may cross or build along the right-of-way of any other railway company for a distance of not more than ten miles, and said railway may be built across, or on, or along any of the highways of the country or across or along any of the streets of any incorporated town, district or city through which it may be necessary to pass, or across any of the navigable waters along the route; *Provided*, that the said highways and streets shall after the construction of said railroad thereon be restored to as good condition as practicable, and in crossing any navigable stream they shall place therein a draw-bridge giving a clear passage of at least fifty feet; and the consent of incorporated towns, districts and cities shall be first had to the use of the streets or alleys for such right of way before the same shall be used and occupied.

Along line  
of other  
roads, etc

SEC. 6. *Be it further enacted*, That the right-of-way through any lands belonging to the state through which it may be necessary to pass in the construction of said railway is hereby granted to said company.

Right-of-  
way

SEC. 7. *Be it further enacted*, That the capital stock of said railway shall be five millions of dollars divided into shares of one hundred dollars each which shall be deemed personal property and may be transferred in such manner as the by-laws of said company shall direct; and when ten thousand dollars shall have been subscribed in money, labor or property the incorporators hereinabove named or a majority of them shall call the subscribers together by notice given in such manner as they may direct for the purpose of organization, and a majority of the stock so subscribed being present either in person or by proxy, they shall proceed to the organization of the company by election from among the stockholders themselves not less than five nor more than seven directors to manage the affairs and business of the company for the ensuing twelve months or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president and such persons as they may see fit for secretary and treasurer of said company for such period and under such conditions as the by-laws may direct.

Capital stock

Organizati'n

SEC. 8. *Be it further enacted*, That upon the organ-

Board of directors to receive property

ization of the company the said incorporators\* shall turn over to the board of directors all the money received by them on subscription, and all of the bonds, notes, obligations, deeds, and other papers and the rights, and the property received there-by, shall be the property of the company and shall be binding on the company, and the other parties to said bonds, notes and obligations just as if they had originally made between said railway company and the parties to such bonds, notes, obligations, deeds and papers.

Rights and powers

SEC. 9. *Be it further enacted*, That after such organization as hereinabove provided for, the said railway company shall have and may exercise all of the rights and powers conferred on railroads incorporated under the general laws of this state by virtue of section fifteen hundred and eighty (1580) of the code of Alabama, and the said section is hereby made a part of this charter as fully as if it was set out herein at length, and the provisions of sections 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1589, 1590, 1590, 1591, 1592, 1593, 1594, 1595, of the code of Alabama shall be and the same are hereby applicable to the Alabama, Florida and Chattanooga Railway Company just as fully and in all respects the same as if said company had been organized under the provisions of chapter six of title one of part two of the code of Alabama, and said sections are hereby made a part of this chapter just as if the same were fully set out at length herein, except where said sections conflict with the express provisions of this act it being the true intent and meaning of this act to confer on the said company the powers granted to railroad companies organized under the incorporation laws of this state found in chapter six, title one of part two of the code of Alabama, except as such provisions are changed, modified or omitted by the express provisions of this act.

May borrow money, etc

SEC. 10 *Be it further enacted*, That the company may borrow money for the purpose of carrying out the objects of its charter and may make notes, bonds or other evidences of debt, and by a vote of the majority of the directors had at a meeting called for the purpose after giving thirty days notice may secure the payment of notes, bonds or other evidences of debt by a mortgage

or deed of trust on its franchises and any and all of the property real and personal.

Approved February 16, 1891.

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AN ACT

[H. 707

To incorporate the town of Springville, with the boundaries hereinafter designated, and to establish a new charter for said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Springville, in St. Clair county, Alabama, within the limits and boundaries hereinafter designated, be and they are hereby constituted a body politic and corporate by the name of The Town of Springville, and by that name may sue and be sued, and may plead and be impleaded in any of the courts of this state, of the United States, and to do all acts and things as natural persons may do under the laws of this state, may acquire, purchase and hold and dispose of real, personal and mixed property for the benefit of said town; may have and use a common seal which may be broken, altered and changed at pleasure.

Charter

Name,  
rights, etc

SEC. 2. *Be it further enacted*, That the corporate limits of said town of Springville shall hereafter be as follows: All of section thirty-one (31), and west half of N. W. quarter ( $\frac{1}{4}$ ) of section thirty-two (32), township 14, range 2, east; also the east half of N. E. quarter ( $\frac{1}{4}$ ) of section 36, township 14, range one (1) east, and said corporate limits may be contracted by the corporate authorities of said town by an ordinance duly made, and entered upon the minutes of the proceedings of the corporate authorities, hereinafter provided for. The corporate authorities of such town shall divide the said town into five wards, and alter or change the same as the authorities see proper; said alterations and changes being always made so as to apportion representatives as near as may to the population.

Corporate  
limits

Five wards

SEC. 3. *Be it further enacted*, That the government

Elections an-  
nually

of said town shall consist of, and its corporate powers be exercised by a mayor and five aldermen, one alderman for each ward, who shall be elected on the first Tuesday in January, 1892, and annually on the first Tuesday in January thereafter, by ballot, by the male inhabitants of said town of, and over 21 years of age who have resided in the state twelve months, in the county three months, in the town thirty days, in the ward ten days next preceeding said election, and are qualified electors under the general election laws of Alabama; that should the election not occur on the day fixed for the annual election of mayor and aldermen the corporation shall not, for that reason be dissolved, but the incumbents shall remain until their successors are duly elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day said election shall be held, and should the mayor and aldermen fail to provide for the election annually, they shall be guilty of a misdemeanor. The officers elected shall hold their office until their successors are duly elected and qualified. That the present officers of said town shall hold their offices until their successors are elected and qualified.

Appointm't  
of managers  
etc

SEC. 4. *Be it further enacted* That the mayor and aldermen of said town shall designate the place of holding said election; shall appoint three managers of election who shall be legal voters of said town; shall prescribe the manner of holding said elections and ascertain and declare who are elected; in case of a tie between any two or more candidates for the same office, the mayor and aldermen shall elect between such candidates, and decide who shall fill the office in question, and vacancies in any of the town offices shall be filled forthwith by the mayor and aldermen. The mayor and aldermen may appoint more polling places than one, but not to exceed more than one in each ward, and shall appoint three managers at each of such polling places.

Contests, etc

SEC. 5. *Be it further enacted*, That the ballots cast at any election under this act, shall after the counting of same, be sealed up and kept by one of the managers of said election for twenty days after the result of said



election shall be declared; then if there be no contest the same shall be destroyed; but in the event of a contest the same shall be delivered to the clerk trying said contest. That any election under this act may be contested in the same manner as is now or may hereafter be provided by the laws of this state for the contest of election of judge of probate, so far as the same will apply to contests under this act.

SEC. 6. *Be it further enacted*, That no person shall hold the office of mayor or alderman of said town, who has not resided therein one year next preceding the election, and the alderman must be a resident of the ward and a qualified voter therein for which he is elected at the time of his election. Qualificati'ns  
to hold office

SEC. 7. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at their regular place of meeting, adjourn from day to day, and compel attendance of absent members in such manner and under such penalties as the board may prescribe; that the board may prescribe its rules of procedure, fine its members for absence or disorderly behavior, and fill all vacancies that may occur by death or otherwise. In the mayors absence at any meeting of the board, the members present may select a presiding officer, and in case of the mayor's sickness or his temporary absence from the town or his incompetency by reason of interest or heirship, or other inability to discharge the duties of his office, he may appoint any alderman to act as mayor in his stead, and such mayor *pro tempore* shall have all the powers of the mayor, and shall perform all of his duties. Meetings of  
board

SEC. 8. *Be it further enacted*, That it shall be the mayor's duty to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever in his opinion the interest of the town require it; he shall keep his office in said town, and hear and determine all cases of violations of all by-laws, ordinances, or charter of said town, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe, and he shall possess within the corporate Duties of  
mayor

Duties of  
mayor

Right of ap-  
peal

Jurisdiction  
of mayor

limits of said town all the power and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, That he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not already come before him as mayor of said town. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the circuit court of St. Clair county, Alabama, upon defendant entering into bond with good and sufficient security to appear at the term of the court to which the appeal is taken and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him; the bond to be payable to the town of Springville in such penalty as the mayor may prescribe and to be approved by him, and such cause shall be placed on the criminal side of the docket and if the defendant be convicted the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the town on the trial before him, and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the town prison, there to remain until discharged, as provided by the ordinances of said town upon conviction before the mayor; in case the defendant do not appear at the trial, but makes default, his bond shall be declared forfeited and judgment shall be rendered thereon against defendant and his sureties as in state cases, except that the judgment shall be in favor of the town of Springville; *Provided*, That such appeal be taken and fully perfected within five days after the rendition of such judgment by the mayor, and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion *scire facias* or other writs instituted for the collection of any fund or bond payable to the town of Springville taken under this act, or under the ordinance of said town passed in pursuance of this act and from his judgment rendered in such proceeding execution from justice court; said mayor shall have the right when the good

or safety of the town require it, to demand the aid of the sheriff of St. Clair county for the protection of said town; he may punish any contempt while holding his court, or while the board is in session, by fine not exceeding twenty-five dollars, and by imprisonment for not longer than ten days; one or both; he shall at least once in every four months make a written statement to the board of the financial condition of the town, which statement shall be published in at least one of the papers published in the town; he shall have the power to suspend the marshal or any policeman until the next regular meeting of the board and report to such meeting the facts of such suspension and its cause, and he shall do and perform such other and further duties as the board may require; and he may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with subpoena.

SEC. 9. *Be it further enacted*, That the board may appoint a town marshal, clerk and treasurer of said town, and such other officers as they may see fit and think necessary for the good government of said town, and prescribe the duties of such officers and their liabilities and powers and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure, and fix their salaries. For any breach of the bond of such officers suit may be brought and recovery had before any court having jurisdiction, and such suit shall be governed in the same manner as other suits. The town council shall keep a regular record of all proceedings, regulations and ordinances of the board which shall be read to the board and signed by the mayor, or acting mayor, and the same shall have the force and effect of a record, and a copy thereof duly certified by the clerk shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection.

Appointed  
officers

SEC. 10. *Be it further enacted*, That the marshal shall have in said town all the powers of a constable,

Marshal and  
his duties

and shall be entitled to all the fees of such officer; he shall possess in said town all the powers of a peace officer; he shall execute the orders, notices and process of the board, and of the mayor, and may arrest without warrant for all violations of town ordinances committed in his presence, but for all other violations of said ordinance, arrest must be made with warrant; he shall perform such other and further duties as the board may prescribe.

Powers  
of mayor  
and alder-  
men

SEC. 11. *Be it further enacted*, That the mayor and aldermen of said town shall have full and complete powers: 1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said town, as they may think proper, and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the power included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this state, as shall be needful for the government, police interest, welfare and good order of said town, and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the town, not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said town, failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the town until such fine and costs are paid, in such manner as the board may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same, but if after such bond and security such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on the streets or elsewhere in the town, who refuse to work when under the mayor's sentence for violating any town ordinance; but no female must be punished by subjecting her to work on the streets.

2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof; to establish and regulate quarantine in said town, and within five miles thereof, and punish any breach of quarantine law. 3. To prevent and remove all nuisances at the expense of person causing the same, or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of owner of the same, when they refuse upon reasonable notice to remove or renovate and repair such houses or structures. 4. To establish, set up and regulate hospitals, work houses and houses of correction. 5. To license, tax, regulate or restrain theatrical and other amusements, and selling, retailing or giving away vinous, spirituous, or intoxicating liquors or beverages. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock-fighting and any thing else hurtful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Springville or made or kept or found there, to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police patrol and captain thereof. 8. To divide the town into wards and to regulate and change the same. 9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain hours. 10. To sink, regulate and repair public wells and cisterns; to establish and regulate fire-plugs and public hydrants, and to make all needful provisions to supply the town with water, gas and gaslights and electric lights, and to control street lamps. 11. To open, locate and repair, and regulate and establish alleys and streets, and to change, alter, abolish and vacate them, or any part or parts thereof; to establish avenues,

Powers of  
mayor and  
aldermen

Powers of  
mayor and  
aldermen

pavements, sidewalks, and curb and grade them and regulate the same, and to make all the salutary by-laws respecting the use of the streets. 12. To establish and build drains and sewers, aqueducts and reservoirs and to regulate the same, and to compel owners of lots or real property to drain the same and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails or refuses, after five days notice, to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the town limits when necessary. 13. To establish, lay out, regulate and locate public parks. 14. To establish and regulate or change fire limits within said town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor. To require all owners of theaters, opera houses and all other houses where the public assemble in mass to provide said houses with fire escapes and suitable exits. 15. To lay out, regulate and control town cemetery burial grounds, and to sell burial lots therein. 16. To prevent the running at large on the streets of all dogs, cows, hogs, horses or other animals, and to pass all laws in the judgment of the board necessary for the sale and impounding of said animals on proper notice to the owners thereof. 17. To regulate and control running of cars on or across streets, avenues or alleys of said town, and to control the speed of such cars and locomotives in said town. 18. To pass all necessary and proper laws for the arrest with, and without out a warrant, of all offenders against the town ordinances or state laws and to confine such persons until tried, convicted or discharged by law. 19. To pass all laws and ordinances in relation to auctioneers plying their vocation on the streets and to prohibit or regulate the same, and to regulate pawnbrokers. 20. To make and ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vi-



cious habits, and to compel such persons to give bond and security to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation, to be sentenced to hard labor for the town for a limited time, not exceeding thirty days. 21. To punish all persons who obstruct the marshal, or other officer, in the arrest of any person in said town, or in the lawful discharge of any duty in said town; and to punish all persons who, when called upon to aid in arresting any person, fail or refuse to give such aid. 22. Said board may establish necessary inspection, fix and regulate the assize of bread, and provide for the weighing and measuring of all kinds of produce for man or beast, and regulate the same. 23. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of guns, powder or other dangerous material, guano or other commercial fertilizer, within said town; to regulate and control the sweeping of chimneys, the use of lights, stovepipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire, and to extinguish the same. 24. To require property owners to keep sidewalks, in front of their property in good order, and to pave the same when the board shall order; to repair, keep in good order and pave sidewalks in front of such property whose owners shall, after being so ordered, fail or refuse to repair, keep in good order or pave said sidewalks for five days after notice, and to tax the same against such property, which tax shall have the lien of and be enforced and collected as other taxes. 25. To exercise the power of eminent domain and condemn private property for streets, alley, drains, sewers, public parks and squares, to supply the town with pure water, and for all other public municipal purposes proper, on making just compensation to owners of lands condemned; and the general laws of the state applicable to *ad quod damnum* suits and proceedings shall apply in all such cases. To build drains and sewers and to supply the town with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside

of the town limits when necessary. 26. To have and exercise full police power in said town to prevent crime, and arrest offenders, to protect the rights of persons and property, to preserve the public peace, and for the purpose may command the aid and assistance of the sheriff of St. Clair county, and all voluntary military companies in said town, whenever the mayor or the board may deem the same necessary. 27. To grant the right-of-way through the streets, avenues and squares of said town, for the purpose of street or other railroads, telephones, telegraph or electric light companies, and for laying pipes of gas and water companies. 28. To punish injuries to streets, sidewalks and trees, and to private, and town property.

This is a public act

SEC. 12. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all courts of law and equity, and all ordinances, resolutions and proceedings of the town may be proved by the seal of the corporation, attested by the town clerk, and when printed, purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Authority to license and tax

SEC. 13. *Be it further enacted*, That the mayor and aldermen of Springville shall have authority to license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery-stable keepers, and all other privileges, and also to license, tax, and regulate machinery, carriages, carts, omnibuses, wagons, drays and all other vehicles.

License

SEC. 14. *Be it further enacted*, That said town council have authority to levy and collect from all persons, firm or corporation, trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax, which shall be fixed and declared by ordinance, and the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation; *Provided*, that not more than one license tax under this act shall be assessed against or collected from parties trading or doing business under a firm

name; *Provided further*, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees. The corporate authorities may also by ordinance impose such fines and penalties, within the limitation of this act, as they may deem advisable for the doing of any business, or carrying on any trade, or exercising any privilege, or practicing any profession by any party who shall fail to take out such license as may be imposed by the corporate authorities.

SEC. 15. *Be it further enacted*, That the corporate authorities of the town of Springville may levy and collect each year, upon all real and personal property, and all subjects of state taxation within said town, except the subjects enumerated in section 454 of the code of Alabama, and except the tax levied on polls, a tax not exceeding one half of one per cent. of the value of such property, or subjects of taxation as assessed for state taxation during the year preceeding that for which the corporate authorities may assess and levy the tax above provided for, and there shall be no exemption from such taxation; *Provided*, that personal property and subjects of taxation not in said town on the first day of January, 1890, or any subsequent year, but brought into said town during the year 1889, or any subsequent year, shall be assessed and taxed *pro rata* for the remainder of said year from the date it may be brought into said town; *And provided further*, That in case any property has escaped taxation in previous years the clerk or tax assessor shall assess the same to be collected as other tax are collected; *And provided further*, That if there was any property in the town on the first day of January of the then current year, which was not in the town on the first day of January of the preceding year, or if there were any improvements on the first day of January of the then current year, erected on property materially enhancing the value of such property, which said improvements had not been erected on the first day of January of the preceding year, and consequently not assessed for state taxation during the preceding year, then it shall be lawful for the town clerk, or

town tax assessor, and it shall be his duty to assess such property or improvement at a fair valuation, which said valuation shall be added to the valuation as assessed for state taxes for the preceding year, and the taxes so assessed shall be collected as other assessments are collected. All property used exclusively for charitable, education and religious purpose, or either of them, shall be exempt from taxation by said town.

Value by  
county as-  
sessor

SEC. 16. *Be it further enacted*, That the taxable property of each tax payer, and the subjects of taxation in which he is taxable, and the amount of value of each item thereof, as valued by the assessor of St. Clair county for the preceding year mentioned in section fourteen, shall be ascertained and fixed by the aforesaid tax assessor's books of such year, made by him according to law, and any supplemental assessments that may have been made by him for such year all corrected according to the laws of Alabama.

Copy of tax  
book

SEC. 17. *Be it further enacted*, That the corporate authorities shall cause a copy of such tax assessor's books corrected as aforesaid, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act; but when the property or subjects have changed owners since said assessments were made on it by said tax assessors, said copy shall be corrected so as to show the true owner at the beginning of the year for which the tax provided for in this act is to be laid; if the property has since such assessments been destroyed or greatly damaged by fire or other cause, this shall also be rated with the estimated amount of damage.

Correction of  
assessment

SEC. 18. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of the town of Springville, where it shall remain for twenty days open to public inspection, and notice of the fact shall be immediately given by said clerk by publication of a notice to such effect for ten consecutive days in some newspaper published in Springville. Any person charged in said book as the owner of property or subject of taxation which he was not the owner of,

on the first day of January of the year for which the tax therein provided for is laid, shall within twenty days, file with the clerk his affidavit to that effect, and if he knows owner shall state who it is, or that he does not know. Any taxpayer may file objections as to the correctness of said book as a copy of the aforesaid book of the tax assessor of St. Clair county, stating wherein said copy does him injury. Upon notice by the clerk that these objections have been filed, said mayor and aldermen shall meet and determine all objections and correct said book accordingly, and their decision on such objections, and as to all corrections to be made shall be final. Said mayor and aldermen shall continue its session from day to day until all objections filed are disposed of and no longer.

SEC. 19. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid. Levying  
tax

SEC. 20. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the town of Springville\* shall have a preferred lien over all incumbrance and securities whatsoever, except county and state taxes, and all taxes against the property of any persons under this act, or for which such person may become liable for the current year. shall be a lien upon the real and personal estate of such person within said town of Springville from the first day of January of that year, or if brought in there after that time, the lien shall attach from the time it is brought into said town. Taxes a lien

SEC. 21. *Be it further enacted*, That after the taxes shall be so fixed and levied, the mayor of said town shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the town of Springville, authorizing and commanding such officer to collect the Warrant for  
collection

taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper published in Springville, or by posting the same in three public places in said town that he is ready to receive payment of taxes. Taxes not appearing in said book but authorized by this act, will be collected on the warrant of the mayor directed to the tax collector commanding and authorizing him to collect said taxes.

Personal de-  
mand      SEC. 22. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice the city tax collector shall make personal demand on delinquents wherever they may be found for their taxes and costs. Whenever unable to find them shall leave a written or printed notice at the place of residence of such tax-payers, requiring them to come forward and pay such taxes and costs immediately; and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquent forthwith to make payment of such taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax-payers who are non-residents of said town.

Collector  
charged  
with all  
taxes      SEC. 23. *Be it further enacted*, That the collector of taxes shall be charged with and be accountable for the whole amount of the taxes assessed for the year, and can only be discharged from said accountability by showing that taxes unpaid could not be collected by the means given him for their collection.

Delinquent  
taxes      SEC. 24. *Be it further enacted*, That all taxes laid under this act, which are not at the end of ninety days from the first publication of the notice required in this act paid, shall be in arrears and delinquent from that date, and after the expiration of said ninety days as aforesaid, the tax collector may levy upon and seize any personal property if there be any and if there be none or not sufficient personal property, then upon the real estate of such delinquent tax payers; *Provided*, That a failure to levy on and sell any personal property for taxes, shall not vitiate the sale of real estate of such delinquent tax payer for taxes and costs of sale, and no personal property sold for taxes shall be subject



to redemption, and no property shall be exempt from levy and sale for the payment of taxes, and the fees and charges lawfully incurred in their assessment and collection.

SEC. 25. *Be it further enacted*, That it shall be the duty of the tax collector, whenever upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the town, and thereby the collection of such taxes is in danger, to make out and certify to the mayor of the town a bill against such person for the amount of such taxes and fees due thereon, and upon the approval thereof by the mayor in writing endorsed thereon, such writs shall operate as a writ of *fiery facias*, which the collector is authorized to execute by levy and sale in the same manner as sheriffs are authorized to execute such writs when issued out of the circuit court, and on the failure of the collector to act in the cases provided for in this section he shall be liable for the taxes against such person.

SEC. 26. *Be it further enacted*, That when real estate is levied upon for taxes notice of the sale shall be given ten days before the sale in some newspaper published in Springville, and the land so levied upon must be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale of such property shall take place in front of the postoffice in Springville, commencing on the day indicated in the notice, and continued from day to day until completed.

SEC. 27. *Be it further enacted*, That at all sales by tax collector of property for taxes he shall attend and bid off for the town of Springville as purchaser all the lots and lands on which the tax collector cannot get a bid from other persons for the taxes and expenses of sale, and the town of Springville shall have a certificate of purchase and be invested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: I....., tax collector of the town of Springville, do hereby certify that the town taxes for the year 18..... (or the particular tax assessment, as the

case may be), amounting in all to \$....., being due and unpaid by A. B., the owner and agent therefor, I have for this day sold for the payment of taxes due by said (A. B.), and for the collection of costs of levy and sale, to (C. D.) who has paid the amount of taxes due as above, the following piece, parcel or lot of land in the town of Springville, and bounded and described as follows (insert description). By virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this the.....day of....., 18.....

.....tax collector. Said certificate shall be *prima facie* evidence of the regularity of all the previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment or sale, unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment, and the proceedings for sale, were paid at the time of such sale.

Any real property sold under this act may be redeemed by the owner or any person interested therein within two years after said sale by paying to the town of Springville the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the town tax collector to keep in his office in a book provided for the purpose and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed, as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on redemption, he shall pay the same to him upon the sur-

Right to re  
deem

render of the certificate of purchase, and on his failure to do so, he and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be *prima facie* evidence of the facts herein stated, and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from date of sale the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold and unredeemed and deliver the same to the purchaser or his assignee upon the return of certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed; but any number of parcels of real property for which one person may hold certificates of purchase, may be included in one deed. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded, shall vest in grantee all rights titles and estate of former owners, free from all encumbrances made or suffered by them, except state and county taxes. Such deeds shall be *prima facie* evidence in all courts of this state, in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed, of the regularity of all proceedings and sale of said property required by this act, and of the titles of the grantee, his heirs and assigns.

Tax deed to  
purchaser

SEC. 28. *Be it further enacted*, That should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing, the provisions contained in the code of Alabama, or any part of such provisions, for the collection of taxes so far as the same will apply, and have the same right to sell property and make titles to property sold for

Code provisions for collecting tax

taxes as is provided for collecting state and county taxes, and said corporate authorities in adopting provisions shall, by adopting ordinance, declare which of such provision they adopt, and in such ordinance they may change the provisions so far as to substitute the town tax collector for that of the state and county, and so as to adopt the provisions relative to state and county taxes to the collection of the taxes herein authorized; and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution, no property shall be exempt; *Provided*, that this mode of collection shall not prevent collection of such in other manner than herein provided.

Street tax

SEC. 29. *Be it further enacted*, That said corporate authorities may require all male inhabitants of said town, who have resided therein ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said town for at least five days in each year under such officers as the board may appoint; *Provided*, that any person so required to work may relieve himself therefrom by paying into the town treasury a sum of not more than five dollars; *And provided further*, that the inhabitants of said town shall be exempt from road duty outside the limits of the town.

Officer not to  
contract  
with city, etc

SEC. 30. *Be it further enacted*, That it shall be unlawful for any officer of said town to make or enter into with the town authorities any contract for work or services, or for material and supplies, and any such contract shall be void, nor shall any officer or person charged with the collection of taxes, licenses or dues for said town, unless it be to dispose of warrants that may have issued directly to such person due, or in any manner offer any claim, warrant or liability against said town; and any person violating this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than one hundred dollars.

Registration  
of voters

SEC. 31. *Be it further enacted*, That the board of mayor and aldermen of said town, whenever they see proper to do so, may provide for a registration of the voters of said town; and such registration shall be

made under such lawful rules and regulations as the board may prescribe.

SEC. 32. *Be it further enacted*, That the present charter of Springville and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, that no prosecution, suit, or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the town of Springville adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and aldermen of Springville and all the powers granted by this act shall and must be liberally construed in favor of the town to pass such laws.

Charter re-  
pealed

Effect of this  
act

Approved February 16, 1891.

349]

AN ACT

[H. 357

To prohibit the payment or allowance of claims against the estates of decedents which have been barred by the statute of limitation in the life of such decedent.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no claim against the estate of any decedent which has been barred by the statute of limitations in the life of such decedent, shall be paid by or allowed to the personal representative of such decedent and this shall apply to claims of the personal representative against the decedent.

Claims  
barred

Approved February 16, 1891.

350]

AN ACT

[H. 256

To amend section one of an act to prohibit the sale or giving away of spirituous or vinous liquors in one mile of Spring Hill church in Pike county, Alabama, approved February 25, 1875.

SECTION 1. *Be it enacted by the General Assembly*

Liquor pro-  
hibition

*of Alabama*, That section one of an act, approved February 25, 1875, to prohibit the sale or giving away, of spirituous, or vinous liquors in one mile of Spring Hill church, in Pike county, Alabama, is hereby amended as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person to sell or give away any vinous, spirituous liquors or intoxicating bitters within three miles of Spring Hill church in Pike county, Alabama.

Approved February 16, 1891.

351]

AN ACT

[H. 700

To create and establish a new beat in Lee county, Alabama, to be known and designated as Beat No. 14, in said county, having as a precinct or voting place Smith's Station, the said beat to be bounded as follows, to-wit: as hereinafter designated and more particularly described.

New beat

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a new beat be created and established in Lee county, Alabama, to be known and designated as Beat No. 14, in said county, having as a precinct or voting place, Smith's Station. The said beat to be bounded as follows, to-wit: Bounded on the north by the township line between townships eighteen and nineteen, the said line being the north boundary line of sections one, two, three and four, commencing at the Chattahoochee river, and running due west along said line to the northwest corner of section four, township eighteen, range twenty-nine, thence south with section line to the southwest corner of section twenty-one, same township and range, thence due east to southwest corner of section twenty-two, same township and range, thence south to county line between Lee and Russell counties, thence due east to southeast corner of section eight, township seventeen, range thirty, thence north to the southwest corner of section thirty-three, thence east to the Chattahoochee



river, thence north along the river to starting point. *Provided*, That this act shall not legislate out of office any of the present officers of the beats to be affected thereby, but the present officers of said beats shall hold their office till their present term expires by limitation of law.

Approved February 16, 1891.

352]

AN ACT

[H. 622

To amend sections 4068 and 4069 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4068 of the code of Alabama be so amended as to read as follows: Section 4068 (4445). Any person who sets up, carries on, or is concerned in setting up or carrying on any lottery or device of the kind, or any gift enterprise, or any scheme in the nature of a lottery or gift enterprise; or who sells or disposes of any lottery or gift enterprise ticket, or ticket in any scheme in the nature of a lottery or gift enterprise; or who shall receive money or take an order for any lottery or gift enterprise ticket, or for any ticket in any scheme in the nature of a lottery or gift enterprise; or who is interested or concerned in selling or disposing of any ticket in any lottery or gift enterprise; or scheme in the nature of a lottery or gift enterprise; or who shall act for or represent any other person in selling or disposing of any such ticket, must on the first conviction under this section, be fined not less than twenty-five nor more than five hundred dollars, and on the second conviction under this section, must be fined not less than fifty nor more than five hundred dollars, and must also be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than thirty nor more than ninety days, and on the third or any subsequent conviction under this section, must be fined not less than one hundred nor more than one thousand dollars, and must also be imprisoned in the county jail or sentenced to hard labor

Selling lottery tickets,  
etc

Penalty

for the county for not less than six months nor more than twelve months; *Provided*, that the provisions of this act shall not apply to the distribution of presents to subscribers by newspaper proprietors or publishers.

SEC. 2. *Be it further enacted*, That section 4069 (4446) of the code of Alabama, be amended so as to read as follows: Section 4069 (4446). The grand juries of the several counties of this state shall have no discretion as to finding indictments for any violations of the preceding section, but it shall be their duty, if the evidence justifies it, to find and present the indictment; and the mayor or other judicial officer of every incorporated city or town in this state, shall have concurrent jurisdiction with the circuit or city courts of every violation of the preceding section, within the corporate limits of their respective cities and towns, and outside of such limits to the extent of five miles therefrom, within their respective counties, and the police or other executive officers of such city or town, have authority, and it is their duty on receiving information or having good cause to believe that any person is violating, or has violated such preceding section within the territory mentioned, to arrest and carry such person or cause such person to be arrested and carried before such mayor or other judicial officer of such city or town having jurisdiction of the offense, and the defendant on conviction before such mayor or judicial officer, shall have the right of appeal to the next ensuing term of the circuit or city court of the county, to be governed by the same rules and regulations as prescribed for appeals from convictions had before a justice of the peace.

Approved February 16, 1891.

353]

AN ACT

[H. 558

To appropriate the sum of ten thousand dollars to be expended in the maintenance and improvement of the Medical College of Alabama, under the direction of the board of trustees thereof.

*Whereas*, The Medical College of Alabama, a de-

partment of the State University, located at Mobile, is without sufficient means to enable it to remodel the college building—the property of the state—to purchase adequate appliances and apparatus; to furnish sufficient laboratory advantages; to maintain and treat free of cost in the hospital such pauper patients as are brought from all parts of the state for clinical purposes; to compensate in any degree the faculty for the service rendered annually in the education of an indigent student from each county of the state; Therefore, in order to advance these objects, and to maintain said college and its facilities on a par with the most advanced colleges of the country:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of ten thousand dollars be and the same is hereby appropriated from moneys not otherwise appropriated in the state treasury, to be expended in the maintenance and improvement of said college, as hereinbefore set forth; *And it is further provided*, that said sum so appropriated shall be paid to said college as follows: five thousand dollars on or before the first day of May, 1891; five thousand dollars on or before the first day of May, 1892.

SEC. 2. *Be it further enacted*, That said money so appropriated shall only be expended under the direction of the board of trustees of said medical college of Alabama, upon the recommendation and advice of the faculty of said college.

Approved February 16, 1891.

354]

AN ACT

[H. 601

To make an appropriation for the expenses of encampment of Alabama State Troops, for the years 1891 and 1892.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of \$27,000.00, or \$13,500.00 for the fiscal year ending September 30th, 1891, and the sum of \$13,500.00, for the fiscal year ending September 30th, 1892, be and the same is hereby appro-

priated out of any moneys in the treasury not otherwise appropriated, for the purpose of paying the expenses and costs of such encampments of the state troops as may be ordered in those years for the purpose of instruction and discipline, including in such expenses the transportation of officers and men to and from camps, the preparation of camp grounds and any other expenses in connection therewith, which the governor may deem legitimate and proper.

Expenditures ; how made

SEC. 2. *Be it further enacted*, That out of the amount appropriated the transportation of officers and men to and from encampments shall first be set apart to each of the regiments, and the remainder of the sum for the years appropriated shall be prorated among the several regiments according to the number of men actually present in camp; *Provided*, that the governor may in his discretion, during the week of encampment of either of said regiments, allow the commanding officer of such regiment to be paid such portion of the appropriation as he may deem safe and proper.

Governor shall make rules, etc

SEC. 3. *Be it further enacted*, That the governor shall make rules and regulations governing the disbursements of money under the provisions of this act. All expenses authorized to be contracted by him, shall be certified and verified by affidavit, and paid to such officer or officers as the governor may direct.

Approved February 16, 1891.

355]

AN ACT

[H. 1066

To incorporate The Evergreen Industrial Normal School.

School incorporated

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That L. Hawthorn, Dan'l Shephard, Frank Jones, Zach Michael, Henry Adams, Matt Wesley, A. Deen, Phil Walker, and Riley McCleary, and their successors in office, shall be and they are hereby declared and created a body corporate under the constitution and laws of Alabama, by the name

and style of The Evergreen Industrial Normal School in the town of Evergreen, in the county of Conecuh and State of Alabama, which school shall be for the higher education of males and females of the colored race and by the name of the Evergreen Industrial Normal School, shall be able and capable in law and equity to sue and be sued, plead and be impleaded, and shall have power to borrow money, receive donations and bequests for the use of said school, to purchase and sell and have and hold real estate and other property in perpetuity.

Name, rights  
etc

SEC. 2. *Be it further enacted*, That said corporate body shall have its domicile and place of business in the town of Evergreen, Conecuh county, and shall have power to pass all rules, regulations and by-laws not inconsistent with the constitution and laws of the State of Alabama, as they shall see proper and deem advisable for the good government and proper regulation of said school, and shall have power to elect annually by a majority of its members, a president, secretary and treasurer, and other necessary officers from the members of said body corporate, and to fill all vacancies in said offices; to fix the amount and approve the bond of the treasurer, and to change the number of the trustees at pleasure; *Provided*, that such number shall not be increased above nine or reduced below five; to adopt a common seal and to alter such seal at pleasure, and to act without such seal if deemed best by a majority of said members as fully as if with seal under the laws of this state, and to fill all vacancies in said body corporate.

Place of  
domicile

Election of  
officers

SEC. 3. *Be it further enacted*, That said body corporate and their successors in office; or a majority of the members composing the same, are empowered to elect annually, or otherwise, a principal teacher, and such principal teacher be and with the consent and approval of the trustees, shall elect and employ such teachers as may be necessary to meet the demands of the school, and the principal teacher and the teachers employed by him shall constitute the faculty of the school of which the principal teacher shall be president, with full power to execute all rules, regulations and by-laws adopted by the trustees.

Teachers

Fees, course  
of study, etc

SEC. 4. *Be it further enacted*, That the trustees and president of the faculty and their successors in office, shall regulate the matriculation fees, and adopt a course of study with a view to educating and training pupils for teachers in the public schools of this state, and that such course of study shall embrace the different grades adopted by this state, and the same are hereby authorized to organize and establish any other department of learning that may be deemed best for the higher education of said pupils.

School funds

SEC. 5. *Be it further enacted*, That nothing herein contained shall be so construed as to deprive the school of its pro rata of the public school funds.

SEC. 6. *Be it further enacted*, That this act shall go into effect from and after its passage.

Approved February 16, 1891.

356]

AN ACT

[H. 226

To amend an act in relation to the trial of misdemeanors in Tuskaloosa and other counties therein named, in so far as the same relates to Tuskaloosa county.

Right of ap-  
peal

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3 of an act entitled "an act in relation to the trials and misdemeanors in Tuskaloosa and other counties therein named, approved March 19, 1875, be and the same is hereby amended, in so far as the same applies to Tuskaloosa county, so as to read as follows: Section 3. *Be it further enacted*, that the accused shall have the right to appeal after conviction to the circuit court of said county.

Trials by  
jury

SEC. 2. *Be it further enacted*, That section 4 of an act entitled an act in relation to the trial of misdemeanors in Tuskaloosa and other counties therein named, approved March 19, 1875, be and the same is hereby amended in so far as the same applies to Tuskaloosa county, so as to read as follows: Sec. 4. *Be it further enacted*, That whenever a person charged with the commission of a misdemeanor by indictment or complaint in said county court shall demand a trial



by jury it shall be the duty of the clerk of said court to transfer the cause to the docket of the circuit court for said county together with the indictment or complaint, and all the papers and a certified copy of all the minute entries of proceedings in said cause, and such cause shall stand for trial on the docket of the circuit court of said county in the manner as other causes therein pending; *Provided*, that the right to demand a jury trial under the provisions of this section shall be held to have been waived unless the demand be made in writing to the clerk of said county court at least one week before the term of said county court at which such cause be set for trial.

Approved February 16, 1891.

357]

AN ACT

[H. 69

To amend the charter of the City of Uniontown, county of Perry, State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 17 of an act entitled an act to amend the charter of the city of Uniontown, county of Perry, State of Alabama, approved February 16th, 1885, be amended so as to read as follows: That the said mayor and councilmen shall have full and complete power: I. To make, adopt and declare motions, by-laws, ordinances, in whatever manner and upon whatever subject to carry out the power herein granted, and for the good government and order of said city, as they may think proper, and affix thereto such penalties for a violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the city not exceeding ninety days, one or both; and all persons convicted for breach of any by-laws or ordinances failing to pay or secure such fine may be imprisoned for such failure or placed to hard labor for the city until such fine and costs are paid in such manner as the board may direct, not longer than ninety days. II. To pass all laws and ordinances necessary and proper to prevent contagious and infecticus dis-

Charter amended

Powers of mayor and council

Powers of  
mayor and  
council

eases from being introduced into said city, and to preserve the health thereof; to establish and regulate a board of health; to establish and regulate an effective quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws. III. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found. IV. To establish, set up and regulate hospitals and poorhouses, workhouses, and houses of correction. V. To license, tax, regulate or restrain theatrical or other amusements; the selling, retailing or giving away of spirituous, malt or intoxicating liquors. VI. To restrain or prohibit gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies. VII. to appoint and regulate night and day watchmen, police, patrol and officers thereof. VIII. To divide the city into wards and to regulate and change the same. IX. To establish, regulate and control markets and market houses, and to license the same; to license peddlers in a wagon, on horseback or on foot; bowling alleys or billiard tables, or tables of any device or kind from which any kind of profit is derived to the keeper; dealers in pistols, bowie knives, dirk knives or brass knuckles; peddlers of medicines or articles of like character; the selling of sewing machines, auctioneers, and all transient persons who offer goods of any kind for sale or at auction on the streets or in store houses; feats of legerdemain or slight of hand, or other exhibition or entertainment, concerts or lectures when an admission fee is charged; and to regulate and license the selling of fruits, beef, pork, mutton, fish and other like commodity upon the streets of said city; and to regulate and license carriages, hacks, wagons, drays and carts kept for public use; to tax and license livery stables, and horse and mule drovers, keepers of stud horses, jacks and bulls; *Provided*, the sums charged for such license do not exceed the sums established by the revenue laws of the state, when there is any charge made by said laws except as herein-after provided. X. To sink, repair and regulate public wells and cisterns; to establish waterworks and gasworks, and when the same are located without the cor-

porate limits, to have all needful power and jurisdiction over the same; to establish and regulate street lamps, fire-plugs and hydrants, and control the same. XI. To open up new streets, to widen or change the direction of streets, upon making compensation to the owners of land taken for public use, as hereinafter provided. XII. To establish and build drains, sewers and reservoirs, and to compel the owner or owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish the owner or person in charge of the same for refusal or neglect to comply by fine or imprisonment, or both. XIII. To establish and lay out public parks, and regulate the same. XIV. To establish, regulate or change the fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price therefor. XV. To lay out, regulate and control cemetery and burial grounds, and to sell lots in the same. XVI. To prevent the running at large upon the streets all cattle, hogs, dogs, or other animals, or fowls of any description, and to pass all laws necessary for the sale and impounding of the same. XVII. That the mayor and councilmen of Uniontown shall have exclusive power and authority to levy, assess and collect a poll tax from the inhabitants of said city liable to such tax, of not exceeding \$5.00 per capita, to be used and applied as the board may direct, said tax to be assessed and collected by such officers as the board may appoint, under such rules and regulations as the board may prescribe, such officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collector and other officers of Perry county. XVIII. To regulate and control the running of engines or trains within the corporate limits of said city. XIX. To pass all laws necessary and proper for the arrest with or without warrant of any person against whom there is a charge made of violating any city or state law, and to confine such person until tried, convicted or discharged by law. XX. To make and ordain all necessary laws concerning idlers, paupers, vagrants and disorderly persons in

Powers of  
mayor and  
council

Powers of  
mayor and  
council

correcting and restraining their vicious habits; and all persons convicted of a breach of the by-laws and ordinances of said city failing to pay such fine and costs that may be imposed by the court trying the same, may be placed at hard labor for the city until such fine and costs are paid; and in case any person put to hard labor for the city fail to work faithfully he may be tried for such failure by the mayor or acting mayor, and if convicted shall be punished by fine not exceeding one hundred dollars, and by additional hard labor not exceeding thirty days, one or both. XXI. To punish all persons who in any manner obstruct the marshal or other officer in the lawful discharge of his duty, or any person who when called upon to assist in any arrest fail to render such assistance. XXII. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate and prohibit the same. XXIII. The said board shall have power to pass and establish inspection laws within the city for the weighing and measuring of all kinds of produce and provision for man and beast, and to provide for the inspection and guaging of wines, liquors, malt liquors, kerosine and illuminating oils. XXIV. To regulate and control the manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gun powder, blasting powder, wool rags, and other explosive or cumbustible materials within said city; to regulate and control the cleaning and sweeping of chimneys; the use of lights, stove pipes and flues in all stores, warehouses, shops, stables, kitchens, residences, offices, and other places within the corporate limits and in the territory over which the said corporate authorities may have police jurisdiction. XXV. The said board shall have power to pass by-laws, ordinances and resolutions for the grading and paving of any side-walk in said city, and provide for the payment therefor in such manner as shall not be inconsistent with the constitution of the state. XXVI. The said board shall have power to pass by-laws or ordinances and regulations for the erection of any house or building within said corporate limits, by requiring the applicant before the erection of any building, to obtain a permit for

the erection of the same from the board, under such rules and regulations as they may prescribe. XXVII. They shall have full power to regulate or prevent slaughter houses, and to regulate or prevent the penning of stock or cattle within the corporate limits. XXVIII. Any officer may be removed by a two-thirds vote of the board at a regular meeting of the same; *Provided*, that the party shall be given ten days notice of the charge or charges against him before the board, after a regular hearing of the same shall vote upon the charge or charges as preferred, which shall in all cases be specified. XXIX. The said board shall have power to pass by-laws, ordinances and resolutions for the licensing of such business and vocations as are now licensed by the state; *Provided*, subh license does not exceed the revenue laws of the state, except as hereinafter specified, and to impose and collect licenses on the following businesses not licensed by the revenue laws of the state, and other business whether licensed by the state or not, the same not to exceed the following amounts: auctioneers, \$100.00; barber shops for each chair, \$10.00; banks and bank agents, and dealers in exchange, \$50.00; commission merchants and brokers, whether by sample or otherwise, \$50.00; express companies, each, \$50.00; hotels, each, \$25.00; restaurants, each, \$25.00; life, fire and other insurance companies, (except such as are under the control of secret and fraternal societies) each, \$10.00; livery stables, \$25.00; livery and sale stables \$50.00; dealers in fish and oysters, or either, \$25.00; transient physicians or vendors of patent medicines \$50.00; undertakers, \$25.00; keepers of studs or jacks and bulls, \$25.00; telegraph companies, \$50.00; carts, drays, wagons, hacks, coaches, or omnibuses, \$25.00; warehouses and public weighers, \$50.00; dealers in commercial fertilizers \$25.00; dealers (other than general dealers) in wagons, buggies or carriages not manufactured in the town, \$25.00; watchmakers doing business for himself, each, \$10.00; printing offices, \$10.00; coal or wood-yards, each, \$10.00; lumber yards, each, \$25.00; brick yards or dealers in bricks, \$10.00; dancing schools, \$10.00; skating rinks, \$10.00; ice cream saloons, \$10.00; real estate agents, \$25.00;

Powers of  
mayor and  
council

telephone exchanges, each, \$100.00; plumbers or gas fitters, each, \$10.00; ice factory, \$25.00; lightning rod agents, \$25.00; drummers or commercial agents selling to consumers, each \$50.00; retailers of liquors (bar rooms,) \$1,000; peddlers on foot, on horseback, and in wagons, \$50.00; fruit venders from stands, or on streets, \$50.00; beef, pork, mutton or vegetable venders, after certain hours, \$25.00; horse and mule drovers \$100.00; on dogs, *Provided, however,* that one dog shall be exempted to each head of family householder, \$15.00; The said board shall have the power to assess, levy and collect taxes on all property in said city, for each year, not exceeding one-half of one per centum on the value thereof, as assessed for state taxation the previous year which said taxes shall be assessed and become due and delinquent at the same dates as the state taxes are by law.

Taxes

School funds XXX. That the mayor and council are hereby authorized annually to appropriate as much as ten per cent. of the general revenue of said city, and all or any portion of the revenue arising from licenses granted and issued by said mayor and council for the benefit and support of the free public schools in said city.

Licenses That the city of Uniontown, Perry county, shall have the power to levy and collect the same licenses on all persons selling vinous, spirituous or malt liquors, or any other article for which said city require a license when conducted within the corporate limits of said city, when said business is carried on within half mile of the corporate limits of said city, and the city council of Uniontown shall have power to pass and enforce all ordinances necessary to carry out the provisions of this section.

Approved February 16, 1891.



358]

AN ACT

[H. 1069

To authorize the board of mayor and aldermen of the town of Dothan to negotiate a loan for the purpose of improving, grading and draining the streets, avenues and alleys of said town, establishing waterworks, fire department, electric light plant and the payment of the town's indebtedness, and for other various improvements of said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and aldermen of the town of Dothan, in the county of Henry and the State of Alabama, be and they are hereby authorized and empowered to borrow and expend a sum of money not to exceed ten thousand dollars for the purpose of and to be expended and applied: First. For the payment of the outstanding indebtedness of said town, if any (not to exceed fifteen hundred dollars). Second. In establishing waterworks for the supply of said town with water. Third. For grading, draining and improving the streets, avenues, alleys and bridges of said town. Fourth. For establishing a fire department in said town. Fifth. For all other improvements that said mayor and aldermen may deem necessary. May borrow money

SEC. 2. *Be it further enacted*, That to enable said board of mayor and aldermen to carry out fully the power and authority granted in the first section of this act, the said corporate authorities be and they are hereby fully authorized to issue bonds of said town in an amount not to exceed ten thousand dollars, to be known and designated as "improvement and sanitary bonds," with coupons attached, signed and numbered to correspond with the said bonds, showing the amount of interest and when due and payable; said bonds to not run longer than thirty years, but redeemable at the option of the said town authorities after twenty years; said bonds to bear interest at not a greater rate than eight per cent. per annum, payable semi-annually; said bonds to be issued in such form and manner as the said board of mayor and aldermen may direct in sums not less than one hundred dollars. Authority to issue bonds

SEC. 3. *Be it further enacted*, That to meet the interest and principal at maturity upon any and all of of said bonds issued under authority of this act, the said corporate authorities shall and it is hereby made their duty to set apart out of the general revenue of said town each year an amount as a sinking fund sufficient to pay the interest as it becomes due on said bonds.

Authority to  
carry out  
powers

SEC. 4. *Be it further enacted*, That said corporate authorities shall have power and authority to do and carry out all the powers granted in this act, either by themselves or by their agents duly appointed by them, and no technicality, informality, neglect or omission in the proceedings of said board or the record thereof shall affect the validity of said bonds or coupons issued under this act, or any of the rights of the purchaser of the same, but said bonds and coupons shall have all the properties and protection of commercial paper.

Sale of bonds  
etc

SEC. 5. *Be it further enacted*, That all the bonds issued under this act shall be sold only for cash, and the money raised from the sale or negotiation of said bonds shall be deposited with the treasurer of said corporation (unless otherwise directed by said board of mayor and aldermen), and shall be paid out by him on warrants signed by the mayor or acting mayor, and countersigned by the clerk of said town of Dothan; *Provided*, that no warrant shall be drawn for labor, material or for any other purpose under the provisions of this act, until the same has been presented to and duly audited and allowed by said board of mayor and aldermen.

Priority over  
other bonds

SEC. 6. *Be it further enacted*, That the bonds herein provided for shall be signed by the mayor and clerk of the town of Dothan, with the seal of said town affixed. Said bonds when issued shall have priority over any bonds that may hereafter be issued by said town authorities, and it shall be the duty of the said board of mayor and aldermen of said town of Dothan, to provide for the payment of the principal and interest as the same may mature before providing for payment of bonds (or interest thereon) which may be hereafter issued by said mayor and aldermen.

SEC. 7. *Be it further enacted*, That the proceeds of the sale of said bonds be applied to the purposes set forth in the first section of this act, and to no other purposes whatever. Application of proceeds

SEC. 8. *Be it further enacted*, That the bonds issued under this act be and the same are hereby excepted, and exempt from taxes by municipalities in the State of Alabama. Exempt from municipal tax

SEC. 9. *Be it further enacted*, That it shall be the duty of said board of mayor and aldermen to designate in the face of said bonds the place or places the same may be presented for the payment of the coupons. Where coupons payable

SEC. 10. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same is hereby repealed. Laws in conflict repealed

Approved February 16, 1891

359]

## AN ACT

[H. 1084

To authorize the commissioners of The Huntsville State Colored Normal and Industrial School, to sell the real property of the school, located on Clinton street in the City of Huntsville, Alabama, and re-invest the proceeds of such sale in real estate in or near the City of Huntsville, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners of the Huntsville State Colored Normal and Industrial School are hereby authorized to sell the real property of said school situated on Clinton street in Huntsville, Alabama, and convey the title to the same to the purchaser thereof. Authority to sell real estate

SEC. 2. *Be it further enacted*, That the proceeds from the sale authorized by this act, shall be re-invested in real estate in or near the City of Huntsville, Alabama, by said commissioners, and the said real estate property deeded to the State of Alabama. Application of proceeds

SEC. 3. *Be it further enacted*, That this act shall go into effect from and after its passage and approval.

Approved February 18, 1891.

To amend an act entitled an act to prevent stock from running at large in the several beats in Tallapoosa and Coosa counties, and to authorize an election thereon, approved February 26, 1887.

Election on  
stock at  
large

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever thirty respectable freeholders, who are householders, in any beat in Tallapoosa, Coosa and Elmore counties shall petition the probate judge of said counties, asking that an election be held in said beat, to decide whether in said beat stock shall be prohibited from running at large, the probate judge shall order an election in such beat at the usual voting place, which said order shall be published twice in a newspaper published in said counties, and shall notify the public that an election will be held at the voting place in said beat, not less than twenty nor more than thirty days from such publication, specifying the day of election, to decide whether in said beat, stock shall be prohibited from running at large; the probate judge shall also appoint two managers of such election, one of whom favor and the other oppose such law; at said election the qualified voters of the beat only shall be allowed to vote: those favoring the running at large of stock shall have on their ballots, "stock at large" and those opposing shall have on their ballots "no stock at large." Said ballots at the close of the election shall be counted by the managers and the result certified to the probate judge within two days after the election. If a majority of the votes cast, as certified by the managers, are in favor of prohibiting stock running at large, the said judge shall enter an order in the minute book of county commissioners to that effect, and shall at once publish said order in a newspaper published in said county for two weeks, and sixty days after such publication, the provisions of this act shall apply and be in full force and effect in such beat, and it shall be unlawful in such beat for the owner of any stock to permit such stock to go upon the lands or crop of another within the prohibited territory, and for each wilful violation of this

Words on  
ballots

Duty of  
probate  
judge

section the owner of such stock shall be guilty of a misdemeanor, and upon conviction of such offense, shall be fined not less than five nor more than fifty dollars, and the term stock where it occurs in this act shall be held to include horses, mules, mares, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

SEC. 2. *Be it further enacted*, That for the election provided for in section one of this act, the judge of probate shall appoint two challengers, one favoring and the other opposing the law. If any contest arises as to the result of said election, the party so contesting shall file with the probate judge, in five days after said election, his objections to granting the order prohibiting the running at large of stock, and shall give bond with sufficient security, to be approved by the probate judge, to pay the cost of the contest. The said judge shall cause the sheriff to summon twelve jurors residing outside of said beat, who shall sit on the trial of said contest, and said jury shall be sworn by said judge to render a true verdict, and on a day to be had at which said judge shall preside and conduct the same as other trials. The issue to be decided on such trials shall be : 1st. Was said election held according to the provisions of this act? 2nd. Was the result for or against the stock law?

Contests

SEC. 3. *Be it further enacted*, That the election provided for by this act shall be held within the hours and under the rules governing general elections in this state. That the managers may administer to each other an oath that they will conduct the election fairly, and true certificate render to the probate judge. If either of them fail or refuse to serve, any other competent man residing in said beat may serve; *Provided*, there shall be but one election under this act in any one year, and any officer failing to perform his duty under this act, shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars.

Rules governing elections

SEC. 4. *Be it further enacted*, That for any damage done by stock running at large in such prohibited territory, the owner shall be liable to the injured party in twice the amount of the damages done, to be recovered by suit before any court having jurisdiction, and any

Damages

such judgment recovered shall be a lien on the stock so committing the damage, and the court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment.

•  
Tribable be-  
fore justice  
of peace \*

SEC. 5. *Be it further enacted*, That the prosecution and civil action provided for in this act may be tried before any justice or notary public with justice jurisdiction in the beat where the offense or damage occurs and the amount of damage does not exceed fifty dollars. If justice of the peace or notary public is incompetent, or there is vacancy in such office, then such trials shall be in the nearest beat in said county, where no objection exists. For such trials and prosecutions said justice court shall always be open, but three days notice shall be given to the opposite party.

Petitioners  
pay expen-  
ses

SEC. 6. *Be it further enacted*, That the petitioners shall pay the expenses of holding the election provided for in this act.

Approved February 16, 1891.

361]

AN ACT

[H. 491

To prevent hogs from running at large in certain portions of Madison county.

Hogs not to  
run at large

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for hogs to run at large within the bounds of the following described limits in the county of Madison, to-wit: Commencing at the southeast corner of Cloud's Cove precincts on the Tennessee river, thence north with the precincts line to the southwest corner of Vienna precinct, thence north along said line to the S. W. corner of Collier's Store precinct, thence east with precincts line to the Jackson county line; thence north with said line to the centre of the east boundary line of section 36, township 3, range 2, east; thence west with quarter section lines to Hurricane, west of Hurricane creek, thence running so as to include all of the Maysville precinct on



the north boundary of Maysville precincts at the center of the south boundary of section 31, township 2, range 2, east; thence north to the center of said section 31; thence west along quarter section line of said section 31, and also sections 36, 35, 34, 33, township 2, range 1, east, to intersection with the Sulphur Springs road and section lines to the northeast corner of section 4, township 2, range 1, east, on township line, thence with the township line west to the northeast corner of section 4, township 2, range 2, west, thence on a direct line south with section lines to intersection with the Huntsville and Athens roads in section 28, township 3, range 2, west; thence west with said road and quarter section lines to the county line of Limestone county, thence south to the Tennessee river, thence eastwardly along said river and up the same to the place of beginning.

SEC. 2. *Be it further enacted*, That any person who knowingly allows his hogs to run at large in violation of section 1 of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than three nor more than ten dollars. Penalty

SEC. 3. *Be it further enacted*, That for any damage done by hogs running at large in such prohibited territory the owner shall be liable to the injured party in twice the actual damage done, to be recovered by suit before any court having jurisdiction, any such judgment recovered shall be a lien on the hogs so committing the damage and the execution shall be directed to be levied on the property committing the damage, to be pointed out by the plaintiff; *Provided*, That the prosecution and civil actions provided for in this act shall be tried before the justice or notary public with justices jurisdiction in the beat where the offense or damage occurs. Damages

SEC. 4. *Be it further enacted*, That whenever any damage herein mentioned in this act has occurred it shall be lawful for the injured party to confine so much of the hogs causing such damage if taken up while such damage is being done or before such hogs have left his premises and hold such hogs until the damage caused by such are paid by the owner if the amount thereof is agreed on by the parties. If they disagree, and the injured party institutes suit for damage in two days, he shall still be authorized to hold Liability for damages

said hogs until the trial is had unless the owner gives bond with sufficient security payable to the injured party in the sum of twenty-five dollars conditioned to pay such judgment as may be rendered in the cause against him in fifteen days from its rendition. In the trial of such cases if the plaintiff recovers, judgment shall be rendered for the cost of keeping such hogs as well as the damage provided for in this bill and cost of the suit; *Provided further* That suits under this act for damages shall be barred unless commenced in sixty days.

Approved February 16, 1891.

362]

AN ACT

[H. 754

To confirm, ratify and amend the charter of the Gurleys and Paint Rock Valley Railroad Company.

Confirmati'n  
of charter

Name

Route, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter of the Gurleys and Paint Rock Valley Railroad company which is in the following words and figures, to-wit: Gurleys and Paint Rock Valley Railroad Declaration, State of Alabama, Madison county. The undersigned citizens of Madison and Jackson counties, in the state of Alabama, to-wit: Frank B. Gurley, E. F. Walker, John W. Grayson, who reside at Gurleys, in Madison county, Alabama, M. A. Clay, Princeton, Jackson county, Alabama, Sam Butler, Larkins Fork, Jackson county, Alabama, James Williams, Scottsboro, Jackson county, Alabama, William McMaples, Holly Tree, Jackson county, Alabama, and W. T. Homer, New Hope, Madison county, are desirous of forming a corporation for the purpose of constructing, building and operating a railroad from the state line of Alabama, in the northern portion of Jackson county, Alabama, to run down Paint Rock Valley, along Paint Rock river, in Jackson county, Alabama to the town of Gurleys, on the Memphis and Charleston Railroad, in Madison county, Alabama, and from Gurley's down Flint River valley to Gunterville, on the Tennessee river, in Marshall county, Alabama, or some point near Guntersville, on

the Tennessee river, which will be the terminal point of said railroad. The name of said corporation "The Gurley's and Point Rock Valley Railroad." The amount of the capital stock of said corporation is one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, respectively, F. B. Gurley, E. F. Walker, J. W. Grayson, M. A. Clay, Samuel Butler, James Williams, W. McMaples and W. T. Homer. The State of Alabama, office of secretary of state; *Whereas*, F. B. Gurley, M. A. Clay, W. McMaples, Samuel Butler, W. T. Homer, were heretofore, to-wit: on the 7th day of October, 1889, duly appointed and constituted commissioners to open books of subscriptions to the capital stock of the Gurleys and Paint Rock Valley Railroad Company, and *Whereas*, said commissioners have filed in this office their certificate setting forth that they have in all respects complied with the requirements of section 1578 of the code of Alabama, and that said Gurleys and Paint Rock Valley Railroad Company has been organized as provided by said section 1578 of the code: now, therefore, I, J. D. Barron, secretary of state, do hereby certify that the subscription to said declaration of incorporation, their associates and successors in office are duly organized as a corporation under the name and for the purpose set forth in said declaration, and are fully authorized to commence business under this charter as provided by the law of Alabama governing the organization of railroad companies. Witness my hand and the great seal of the State at the capitol in the city of Montgomery, this twenty-fourth day of January, one thousand eight hundred and ninety, J. D. Barron, secretary of state, be and the same is confirmed, ratified.

SEC. 2. *Be it further enacted*, That the Gurley and Paint Rock Valley Railroad may commence at a point on the line of the states of Tennessee and Alabama in the northern portion of Jackson county, Alabama, and run down Paint Rock Valley along Paint Rock River, in Jackson county to the town of Gurleys on the Memphis and Charleston Railroad in Madison county, and from Gurleys in a southerly direction through the counties of Madison, Marshall and Etowah to Attalla or Gadsden, and thence in an easterly or

Line of road

southeasterly direction to a point on the state line, between the states of Georgia and Alabama, or in a southerly direction to a point on the state line between the states of Florida and Alabama, as said company or its successors may determine with a view to extending to the Atlantic seaboard or the Gulf of Mexico, and from its northern terminal to such point north, northwest or northeast as said company or its successors may select.

Increase of  
capital stock

SEC. 3. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road and to stock it with everything necessary to give it full operation and effect, either by opening books for new stock or by selling such new stock of the company and on the mortgage of its charter and works, and the manner in which the same shall be done in either case shall be prescribed by the stockholders at a meeting called for that purpose, and any state, or any citizen, corporation or company of this state, may subscribe for and hold stock in said company with all the rights and subject to all the liabilities of any other stockholder in said company.

May lease  
their road  
etc,

SEC. 4. *Be it further enacted*, That said company may sell, alien and convey, lease or farm out their rights of transportation in said road, their franchise, roadbed, railway depots, rolling stock, and all their rights, easements and immunities to any other corporation, whether resident or non-resident, whether incorporated under the laws of Alabama or any other state or county, upon the order of the majority in value of the stock of said company authorizing the same at a meeting of the stockholders of said company called for that purpose, and upon such authorizing the president and directors of said company shall have power to make such sale, lease or assignment, and execute proper conveyances therefor, and the purchaser or purchasers shall be entitled to all the rights, powers and immunities of this corporation.

General laws  
govern.

SEC. 5. *Be it further enacted*, That general laws of Alabama shall govern in all matters pertaining to the affairs of this corporation, except so far as they are in conflict with the provisions of this act.

Approved February 16, 1891.

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## AN ACT

[H. 310]

To allow appeals to the supreme court from decisions of the city and circuit courts in this state granting or refusing to grant motions for new trials.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* Whenever a motion for a new trial shall be granted or refused by any of the circuit or city courts of this state, in any civil case at law, either party may except to the decision of the court and may reduce to writing the reasons offered for said new trial, together with the substance of the evidence in the case and also the decision of the court on said motion; and it shall be the duty of the judge before whom said motion is made, to allow and sign the same; and such bill of exceptions shall be a part of the record in the cause, and it may embrace the judgment and motion or other matters of record, and it shall be lawful for the appellant, in such cause, to assign for error that the judge in the court below improperly granted or refused to grant a new trial therein; and the supreme court shall have power to grant new trials or to correct any errors of the circuit or city court in granting or refusing the same.

Appeals to  
supreme  
court.

Approved February 16, 1891.

364]

## AN ACT

[H. 401]

An act to provide for the more efficient working, keeping up, repairing and improving the public roads and bridges, and opening and making new public roads and bridges in the county of Morgan; to locate and construct and build, within the limits of said county, a system of public roads of a superior grade, to be known and designated as "county roads."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Morgan county, by and through its court of county commissioners is hereby authorized to locate, construct and build, within the limits of said county, the following system of public roads of supe-

County roads

rior grade, to be styled "county roads," one of said county roads to run from the southeast portion of Morgan county in a northwesterly direction to Decatur, one from the southwestern portion of the county in a northeasterly direction towards Lacy Springs; and one from Decatur in a southerly direction towards Cedar Plains; exact route, line and location of said roads to be fixed and determined by said court of county commissioners, and said court shall appoint a competent civil engineer and such other assistants as may be deemed proper and necessary for locating, constructing and building of said roads.

Routes of  
roads.

SEC. 2. *Be it further enacted*, That said "county roads" shall be constructed upon the beds of the public roads of the county as nearly as possible, the route and location of said public roads, in the establishment of the lines of said "county roads" to be changed and altered so as to secure the most direct route of travel and suitable ground and bed upon which to build said "county roads." Said court in making such change or alteration, to make such reasonable compensation to the owner of the land on which such new route is established, as may be just and proper, and when said court is unable to agree with the owner of the land, as to what compensation is to be made, the same proceedings shall be had for the ascertainment of the compensation as is hereinafter provided by this act, when the line of a public road is altered or changed or a new road established.

Rules for  
construction

SEC. 3. *Be it further enacted*, That said "county roads" shall be numbered progressively from one, and each mile of the length of each of said roads, shall constitute a section and each section shall be numbered progressively from one, on each of said roads; that said roads shall be laid out at least thirty feet wide, twenty feet of which shall be bedded in such a manner as to secure a firm and even surface, rising in the middle, to be protected by under drainage, by culverts, and drain ditches on either or both sides thereof. The manner of construction and the material used in the construction of said roads and the several sections thereof shall be determined by the



court of county commissioners and said court shall determine the grade of each and every section thereof.

SEC. 4. *Be it further enacted*, That said court shall have the right to take and have used, in the construction and building of said roads such quantities of stone, gravel, and other material adjacent, contiguous and most convenient thereto as may be necessary therefor paying such reasonable compensation for such material as may be right and proper, and when said court and the owner of such material are unable to agree upon the compensation the same is to be fixed in the same manner as is hereinafter provided by this act for the value of land condemned to public use in opening new and changing old roads. Material for construction

SEC. 5. *Be it further enacted*, That said court shall have the right to construct said roads and the several sections thereof by letting out the same by contract, or by a system of day labor or partly by both, as may seem most to the interest of the county, and said court may in its discretion hire convicts sentenced to hard labor for said county to contractors on said county roads. May let by contract.

SEC. 6. *Be it further enacted*, That said court of county commissioners shall make rules directing the manner of working the several public roads within said county including the "county roads" by this act provided for, as may be deemed most to the interest of the county and shall require contractors on said "county roads" to give bond with good and sufficient securities payable to said county and conditioned for the faithful performance of their contracts, such bond to be approved by the judge of probate and filed in his office. Rules, bonds, etc.

SEC. 7. *Be it further enacted*, That the court of county commissioners be and they are hereby authorized to appropriate and set apart such portion of the county taxes levied and collected for county purposes not to exceed one-fourth thereof for the purpose of locating and building the "county roads" by this act provided for and for aiding in the working and maintaining the public and "county roads" and bridges in said county. Taxes set apart for roads

SEC. 8. *Be it further enacted*, That of the sum so appropriated and set apart, 66 $\frac{2}{3}$  per cent. shall be applied to the "county roads" by this act provided for, and the remainder shall be equitably divided among the several road districts hereinafter provided for, and when so apportioned by the court of county commissioners, shall be entered to the credit of the "county roads" and road districts respectively by the county treasury, on account to be kept by him with said "county roads" and road districts, and the sum apportioned to "county roads" shall be paid out only on the order of the court of county commissioners and the sums apportioned to the several road districts shall be paid out only upon the written order of the road commissioners which order shall state specifically for what purpose the same is paid out, and the road district to which it is to be charged.

How money shall be applied.  
Road Commissioners.  
SEC. 9. *Be it further enacted*, That it shall be the duty of the court of county commissioners of said county, to divide the county into such number of road districts as they may deem proper, and to appoint a road commissioner for each of said districts, who shall serve two years unless sooner removed by the court of county commissioners, and said court is hereby authorized to fill all vacancies which may occur in the office of road commissioner, and such person so appointed to hold office for the unexpired term and until his successor is appointed and qualified.

Official bond and oath.  
SEC. 10. *Be it further enacted*, That such road commissioner shall before entering upon the duties of his office be required to give bond in such amount as may be prescribed by the court of county commissioners, payable to the county of Morgan, and conditioned for the faithful performance of his duty as such road commissioner, and shall take and subscribe an oath, to be administered by any officer authorized by law to administer oaths that he will to the best of his ability, discharge all the duties of his office and properly account for all the moneys and other property which may come into his hands by virtue of his office, which bond shall be approved by the judge of probate and be together with the oath herein required, filed in the office of the judge of probate of said county of Morgan.

SEC. 11. *Be it further enacted*, That each road commissioner shall have control and supervision of the overseers and public roads in his district including parts of "county roads" in his district not covered by contracts and shall direct the manner of working the several roads in his district, having respect to the rules and directions of the court of county commissioners. When rules and directions are given, it shall be the duty of the overseer to work the public roads and "county roads" to which they are appointed and report the bridges and culverts as directed by said commissioners.

Duties of  
road com'rs.

SEC. 12. *Be it further enacted*, That the road commissioners shall to the extent of the funds apportioned to his district not necessary for the payment of the per diem of the overseers and for his own services, construct or repair all bridges and culverts in his district, and when the funds for such purposes are not sufficient, to make application to the court of county commissioners to have the same constructed or repaired.

Repairing  
bridges, etc.

SEC. 13. *Be it further enacted*, That the judge of probate shall within ten days after the appointment of any road commissioner deliver certificates to the sheriff in duplicate giving the bounds of his road district, and said sheriff shall deliver one copy to said commissioner, and make his return upon the other within twenty days to be filed in the office of judge of probate, and for a failure to do so said sheriff shall forfeit and pay five dollars for each failure, to be recovered by suit on his official bond, before any justice of the peace of said county by any road hand or taxpayer of such road district, suing therefor in the name of the county, such penalty to be paid into the county treasury for the benefit of the said road district.

Duties of  
probate judge  
and sheriff.

SEC. 14. *Be it further enacted*, That the court of county commissioners may remove any road commissioner from office for failure to properly perform any of the duties required of him, and may direct suit to be brought in the name of the county on his official bond for any breach of the condition thereof, and all damages recovered by such suit shall, when collected, be paid into the county treasury to the credit of the road fund of the district where such breach or default occurred.

Road com'rs  
may be re-  
moved.

SEC. 15. *Be it further enacted*, That such road commissioner shall keep a correct record of all official business done by him and make report of the same to the judge of probate at the end of each quarter, and by the twenty-fifth day of December of each year shall make an itemized statement in writing showing how the money appropriated to or received for his district has been expended and the amount on hand, which statement with vouchers for all money paid by him shall be filed in the office of the judge of probate and be subject to the inspection of the tax-payers and road hands of their respective districts.

Commis'r to keep record.

SEC. 16. *Be it further enacted*, That said road commissioner shall divide his district into such sections as he may deem most convenient, and make such changes in the same from time to time as he may think best, and to equalize the labor upon roads in his district and appoint an overseer for each section, who shall serve for one year unless sooner discharged by the commissioner, and within ten days after an overseer is appointed the road commissioner shall deliver to him a commission giving him the limits and grade of his section of road, together with a list of hands appointed to his section, and also a copy of any special instructions he may direct as to the manner of working said roads, which said list of hands may be changed and revised whenever the commissioner may deem it for the best interest of the roads in his district, but when hands have been once appointed to an overseer, and the appointment is afterwards changed, it shall be the duty of the overseer to give to the hand or hands taken from his section a statement in writing showing the number of days such hand has worked, which shall be placed to the credit of such hand by the overseer of the section to which the hand is transferred.

Road overseers.

SEC. 17. *Be it further enacted*, That the road commissioners shall take charge of all the road tools belonging to their respective districts and may require overseers to give bond for the care of tools furnished them, and the commissioner shall not allow any overseer his per diem until he shall account for all tools so furnished, and for all tools lost or stolen while in the custody of the overseer a deduction to the amount of

Road tools.

the value thereof shall be made from the pay of such overseer unless the same is replaced.

SEC. 18. *Be it further enacted*, That the road commissioners may purchase tools that cannot be furnished by the hands, and timber and other material to keep the highways and bridges in repair, and may contract for the building or repairs of small bridges, culverts and other work to be paid for by said commissioner with any money in the county treasury belonging to his district, but shall not contract any debts to be paid out of any future appropriation, and in no case shall a contract be let to a road commissioner, nor shall he have or hold any interest in any contract in connection with any other person for work done on highways, culverts and bridges.

Tools, timber  
contracts,  
etc

SEC. 19. *Be it further enacted*, That the road commissioners may remove any overseer who shall fail or refuse to perform his duties or comply with any reasonable order of said commissioner, and appoint another in his place, and said commissioner shall fill all vacancies in the office of overseer to his district, and in all disputes with hands in regard to their respective duties, the overseer shall refer the matter in dispute to the commissioner and shall abide his decision.

Removal of  
overseers,  
etc

SEC. 20. *Be it further enacted*, That the road commissioners shall settle with the overseers in their respective districts before the twenty-fifth day of December of each year for services rendered, by giving an order on the county treasurer for amount due, and shall require each overseer to make oath before a justice of the peace or other officer authorized to administer oaths, of the number of days of actual service, and may require other proof when necessary, and shall require satisfactory evidence of the safe keeping of all tools furnished said overseer, and may further require him to turn over said tools before paying him his per diem.

Payment of  
overseers.

SEC. 21. *Be it further enacted*, That overseers upon receiving their commission shall take immediate supervision of their respective roads, and may work the same at any time they may think necessary, or the commissioner may direct, by giving one day's notice

Duties of  
overseers.

to the hands, either in person or by substitute, or by written notice for the same length of time at the residence of the hands, and they shall be present and superintend all work done, and shall not require more than two days' work in any one week, unless it shall be for the removal of some obstruction that prevents travel, occurring after he shall have worked two days.

Casualties. SEC. 22. *Be it further enacted*, That if any highway shall become impassable by reason of any casualty whatever, the overseer shall give immediate notice to any hand on the section of road where the casualty occurs, who shall attend and repair the same, and such hand shall be allowed a credit for the time employed upon any future work.

Dismissal of hands SEC. 23. *Be it further enacted*, That overseers shall dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail to do good and efficient work, or who shall hinder other hands, or who may be intoxicated, or who shall refuse to obey a reasonable order of the overseer, and shall proceed against said hand as though he had failed or refused to obey the notice to work said road.

Defaulters SEC. 24. *Be it further enacted*, That it shall be the duty of overseers to prosecute all defaulters for not working the roads, as hereinafter provided.

Day's work SEC. 25. *Be it further enacted*, That a day's work within the meaning of this act shall be eight hours of actual service.

Subject to road duty SEC. 26. *Be it further enacted*, That all male inhabitants over eighteen and under forty-five years of age, except such as are permanently disabled from performing ordinary manual labor, and holds certificates of such disabilities from the county board of health of said county, and such as have but one arm or one leg, and all deaf mutes, shall be liable to work on the public roads of said county not exceeding ten days in any one calendar year, and on one day's notice given by the overseer, or by substitute appointed by such overseer, of the time and place to commence work; *Provided*, That any hand so notified may be exempted from work by sending an able-bodied substitute, or by paying to the road commissioner of his district the sum of one dollar for each day he is warned to work;

May be exempted, etc



but such payment must be made either before being warned or before the time for commencing work; *And provided further*, That any hand liable to road duty may commute his time for one year by paying to the road commissioner of his district five dollars, and it shall be the duty of such road commissioner to give such road hand so paying a receipt therefor in duplicate, one of which shall be forthwith delivered by said road hand to his overseer, and it shall be the duty of such overseer at once, or as soon as practicable, to hire a hand or hands to work out the amount covered by such receipt or receipts, and when the time is so worked out, to give such hired hand or hands an order on the commissioner for his pay, and it shall be the duty of such commissioner to pay such order out of the funds so by him received in commutation of work; *Provided further*, that when any hand appointed to and warned to work shall claim exemption by reason of being under or over legal age, or for any other cause allowed by law, or shall claim to have been sick and unable to attend at the time, such overseer may require such person to take and subscribe an oath to be administered by said overseer or other person authorized to administer oaths, stating the grounds or reasons for which such exemption is claimed or excuse offered, and any person who willfully and corruptly makes such oath shall be guilty of perjury and punishable as provided by section 3907 of the code of Alabama.

Overseer to  
hire hands

Must make  
oath

Perjury

SEC. 27. *Be it further enacted*, That any person liable to road duty, who shall willfully fail or refuse after legal notice as provided by this act to work on a public road either in person, by substitute or payment of the commutation as provided by section 26 of this act, without a sufficient excuse therefor to be determined by the overseer, justice court or jury trying the same, shall be guilty of a misdemeanor and on conviction shall be punished as provided by section 4126 of the code of 1886, and all fines for such default shall be payable only in lawful money, and when collected shall be paid to the commissioner of the road district in which such default occurred, who shall apply the same to hiring of hands, or other expenditures for the road section on which such default occurred; *Provided*,

Penalty for  
refusing to  
work road,  
etc

that all defaults shall be primarily triable before a justice of the peace in the precinct of the residence of the defaulter, if there be no justice in such precinct, or if he be disqualified from trying the same, then before a justice in any adjoining precinct; *Provided*, that hands who by temporary illness are prevented from attending at any time warned may make up lost time at the next and future working on his road section.

Tools, team,  
etc

SEC. 28. *Be it further enacted*, That the overseer shall in warning hands to work on the public roads specify the kind of tool and teams the hands shall furnish, but no hand shall be required to furnish any tools or teams unless he owns the same, and that when a hand is warned to and furnishes a horse and plow or mule and plow he shall be allowed one day's credit on his time for working, for the use of such horse and plow or mule and plow, or one dollar in money at his option, and a like credit for a one horse wagon and team or one dollar at his option, and for a two horse plow and team or two horse wagon and team a credit for two days work or two dollars at his option, and when money is demanded, the same shall be paid by the road commissioner on the certificate of the overseer given to the person entitled to the same, specifying the number of days and the service performed.

Road distr'ts;  
accounts of

SEC. 29. *Be it further enacted*, That the road districts shall be numbered from one upwards consecutively, and all receipts and disbursements by the treasurer shall be numbered to correspond with the district for which received or disbursed, and entered to the proper account by corresponding numbers.

Comm'rs to  
inspect and  
report

SEC. 30. *Be it further enacted*, That it shall be the duty of the road commissioner to make careful inspection of the public roads in their respective districts at least every three months and report under oath to the court of county commissioners their condition, and when making the quarterly inspection of roads, shall also make careful inspection of the bridges in their districts, and those over streams dividing their districts from another and report their condition; and if any bridge shall be deemed unsafe for public use, they shall immediately post a notice conspicuously at such bridge notifying the public that the bridge is unsafe,

and if any person sustain damage by going on such bridge after said notice has been posted, then the county shall not be held liable therefor.

SEC. 31. *Be it further enacted*, That if any overseer or commissioner shall wilfully fail or refuse to perform any duties required of them by this act he shall forfeit and pay not more than twenty dollars for each failure or refusal, to be recovered by any person suing therefor in the name of the county, before any justice of the peace, which shall be paid by the officer collecting the same to the county treasurer for the benefit of the road district in which default occurred, and for continued neglect in keeping their highways in good repair, any overseer or commissioner may be indicted, and upon conviction may be fined not more than fifty dollars, and the judge of the circuit court shall give this act in charge to the grand juries, but it shall be a good defense for any road commissioner or overseer failing to keep any highway in good repair to show by satisfactory proof that the entire appropriation in money and the labor required by law have been applied in good faith to such highways as soon as practicable after said labor and money was available to him.

Penalty for failing to perform duty

SEC. 32. *Be it further enacted*, That each overseer shall, before entering upon the duties of his office, be required to take and subscribe an oath to be administered by the road commissioner, or any officer authorized to administer oaths, that he will faithfully discharge the duties of overseer to the best of his ability, and account for all property belonging to the county that may come to his hands by virtue of his office, and that in warning and working hands he will do so without fear or partiality, which oath shall be filed in the office of the judge of probate of said county, and for the care of tools and other property belonging to the county such overseer shall be paid an amount to be determined by the county commissioners not to exceed one dollar per day for the time he is actually employed in working of roads or building or repairing bridges or culverts. The performance of their official duties under this act shall be deemed working on the public roads by road commissioners and overseers, but shall not operate as an exemption except while in office,

Oath of overseer.

Pay of overseer

- and the court of county commissioners shall determine the pay for each road commissioner for services as such, but the same shall not exceed twenty per cent. of the money appropriated to his district for any one year; *Provided*, that no commissioner shall appoint any person overseer who is related to him within the third degree of consanguinity or affinity; and no person shall be eligible as an overseer except persons liable to road duty, except in cases where the commissioner shall find it impossible to secure the services of a person competent to act as such within the legal age, when he may appoint one who is over the legal age, but when such appointment is made he shall report the same to the court of county commissioners at the next term, who may either approve or set aside the appointment, and if not approved, a new appointment shall be made by the road commissioner.
- Pay of road comm'r
- Eligibility of overseer
- Public roads
- SEC. 33. *Be it further enacted*, That public roads within the meaning of this act include the system of "county roads" provided for by this act, and all parts and sections thereof not being worked and kept up by contract or a system of day labor.
- Costs
- SEC. 34. *Be it further enacted*, That in all suits and prosecutions for the enforcement of any provision of this act, brought by any road commissioner, overseer or other person, if such suit or prosecution fail, the cost shall be paid as in cases where the state fails, as provided by law.
- Minor changes
- SEC. 35. *Be it further enacted*, That the road commissioner may make minor changes in the location of roads that in his judgment seems best, subject to review by the court of county commissioners upon complaint of any freeholder in the district.
- Establishing new roads, etc
- SEC. 36. *Be it further enacted*, That when a new road is to be established, or an old one changed by order of the court of county commissioners, the court must issue an order to three disinterested householders of the county to view and mark out the best route for such proposed road, and to assess the damages which will accrue to each land owner, including the value of the land that will be taken if the road is opened over the route marked out; *Provided*, that the land owners over whose land a proposed public road is to be established, may in writing grant the right-of-way for such

road, or may by instrument of writing signed by them, consent to the establishment of such road, and release all claims for damages and land which will be taken for such road, and when such grant or consent and release has been made by such land owners and filed with the petition for such road, or is made and delivered to the viewers herein provided for, then no assessment of damages shall be made as to the land owners making such grants, or consents and release, and all grants of right-of-way, or consents and releases delivered to such viewers, shall be by them attached to their report as such viewers, and therewith presented to the court of county commissioners.

SEC. 37. *Be it further enacted*, That the viewers, Duties of  
viewers before acting, must take an oath to view and mark out the road described in the order to the greatest advantage to the public and with as little prejudice to individuals as possible and without partiality or favor, and to justly assess the damages resulting to the land owners who have not granted the right-of-way for such road, or consented to the establishment thereof, and released all claims for damages, as provided for in the preceding section of this act; and said viewers must after viewing and making the assessments herein provided for make and return to court a report of their action, together with any grants of right-of-way, consents and releases of claims for damages delivered to them by such land owners, whereupon the court must cause a notice to be served on the owner or owners of each tract or parcel of land over which the road has been marked out, and stating the amounts of damages, including value of the lands that will be taken if said road is opened, that said viewers have reported as just compensation to such land owners and appointing a day on which the court will hear the objections which said land owners may present as to the amount of compensation which has been awarded them by such viewers as damages; *Provided*, that notice shall be served on those only who have not granted the rights-of-way or consented and released all claims for damages as herein provided for.

SEC. 38. *Be it further enacted*, That on the day appointed the court must hear any objection made by Objection by  
land owners land owners as to the amount of compensation which the viewers have reported should be paid to such land

owners as damages, if such road is opened, and may increase said compensation to such an amount as they deem just, and may accept the route and confirm the report, or may reject the route and set aside the report; and if the court accepts the route and confirms the report, the court shall make an order tendering to land owners the compensation by the court allowed, and must at the same term of the court, if no appeal is taken, make an order for the opening of such road, but a road must not be opened between the first day of March and the tenth day of July in any one year, nor over any land while a crop is growing thereon unless the crop was planted after the order was made, nor during the pendency of an appeal, which appeal may be taken as now provided by law; *Provided*, that the acceptance by any land owner of the amount allowed by the court as compensation for damages resulting on the opening of any public road shall be a waiver of his right of appeal.

Duty of  
county  
treasurer

SEC. 39. *Be it further enacted*, That it shall be the duty of the county treasurer to make report to and settlement with the chairman of the court of county commissioners for all funds appropriated or coming into his hands for the benefit of the public roads, and shall account for the same in the same manner he is required to do for the county funds, and shall be allowed to retain the same rate of commissions as are allowed by law for receiving and paying out other funds.

Duties of  
county  
comm'rs

SEC. 40. *Be it further enacted*, That it shall be the duty of the court of county commissioners of said county to allow for the services of a civil engineer and other assistants by this act provided for, for actual service, reasonable compensation, and shall furnish printed copies of this act and printed forms to be used by road commissioners and overseers.

General laws  
apply

SEC. 41. *Be it further enacted*, That except as the same may be in conflict with this act, the general laws now in force in this state in reference to roads and highways shall be enforced in said county, and that all laws in conflict with this act be and the same are hereby repealed; *Provided, however*, nothing in this act shall be taken or construed in any way to alter, impair or abridge the power of the court of county commissioners



of said county now has to build, repair and maintain bridges.

Approved February 16, 1891.

365]

AN ACT

[H. 944

To prescribe and regulate the purchase of supplies for the several county offices, court house, jail, almshouse and convict camp of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be the duty of the commissioners court of Jefferson county to purchase all the books and stationery required by the probate judge, sheriff, register in chancery, the clerks of the circuit, city and criminal court and other courts that may be created hereafter, for their respective offices, and all supplies of any kind and description for court house, jail, almshouse and convict camp, with which the county is now chargeable.

Books and  
stationery  
for county  
offices

SEC. 2. *Be it further enacted*, That such supplies shall be furnished upon the written requisition, setting forth the articles needed, of the officer for whose office articles are needed, and thereupon the commissioners court shall make inquiry and ascertain if the articles are necessary before ordering the same.

Written  
requisition

SEC. 3. *Be it further enacted*, That it shall be the duty of the commissioners court to make a contract for boarding and lodging juries ordered by any court of record to be supplied with such board and lodging.

Boarding and  
lodging juries

SEC. 4. *Be it further enacted*, That this act shall take effect in ten days from the passage thereof and its approval by the governor, and from that date all laws and parts of laws in conflict with this act stand repealed in so far as the same relates to Jefferson county, Alabama.

Laws in con-  
flict repeale

Approved February 16, 1891.

To authorize the corporate authorities of the City of Gadsden to release and surrender the option of the City of Gadsden to redeem the bonds that have been issued by the said corporate authorities, known and designated as "Sanitary bonds," and to authorize said corporate authorities to issue the remainder of the one hundred thousand dollars of bonds authorized by act of the General Assembly of Alabama, approved February 28th, 1887, and also by act amendatory thereof, approved February 28th, 1889, to run no longer than thirty years.

Authority to  
release op-  
tion

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate authorities of the City of Gadsden are hereby authorized to release and surrender the option of the City of Gadsden to redeem the bonds that have been issued by the said corporate authorities, known and designated as sanitary bonds, issued under authority of an act approved February 28, 1887, and act amendatory thereof approved February 28, 1889.

Release by  
ordinance

SEC. 2. *Be it further enacted,* That said corporate authorities are hereby authorized to accomplish the release and surrender of said option by ordinance passed as other ordinances are passed by the mayor and aldermen of said city of Gadsden.

Authority to  
issue bonds.

SEC. 3. *Be it further enacted,* That the corporate authorities of the city of Gadsden are hereby authorized to issue the remainder of the one hundred thousand dollars of bonds provided for in said act, to run no longer than thirty years, and without the option provided for in said act, approved February 28, 1887.

Approved February 16th, 1891.

367]

AN ACT

[H. 1092]

To authorize the Town of Dothan to levy and collect license taxes upon professions occupations, vocations and businesses practiced or engaged in within said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Town of Dothan, in the county of Henry, is authorized to levy and collect a license in all cases where the state collects a license tax upon any profession, occupation, vocation or businesses practiced or engaged in within said town. And the said town is also authorized to levy and collect a license tax in any or every other case upon any profession, occupation, vocation or businesses practiced or engaged in within said town.

Authority to  
collect  
licenses

SEC. 2. *Be it further enacted*, That the authorities of said town may pass and enforce all ordinances and orders necessary to levy and collect said license taxes.

Approved February 16, 1891.

368]

AN. ACT

[H. 684]

To amend section 4887 (4927) (4459) of the Code, so far as the same relates to Sumter county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4887 (4927) (4459) of the code be amended so as to read as follows: So far as the same relates to Sumter county, 4887 (4927) (4459) *How taxed and paid*. The fees of witnesses, subpoenaed on the part of the state to appear before the grand jury or before any court in which a criminal prosecution is pending must be taxed against the defendant if he is convicted or against the prosecutor when the costs are imposed on him; but if the defendant is not convicted and the costs are not imposed on the prosecutor, or if the indictment is withdrawn and filed or the prosecution abated by the death of the defendant; or if the

Fees of State  
witnesses

costs are imposed on either defendant or the prosecutor and an execution against him for the same is returned (no property found); or if no indictment is found by the grand jury before whom the witnesses appear; or if a nolle prosequi is returned in the case; or if an indictment has been found and filed and the defendant has not been arrested for twelve months after such indictment has been found and filed, such fees must be paid by the county in the manner specified in section 4989 (4460.)

Retroactive SEC. 8. *Be it further enacted*, That this amendment of the code, so far as the same relates to Sumter county shall be retroactive and include cases which have heretofore existed as well as those to arise in future.

Approved February 16, 1891.

369]

AN ACT

[H. 552

To provide a new charter for the town of Russellville.

Name, rights, etc SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Russellville, and the present and future inhabitants of said town shall be and they are by this act continued, made and constituted a body corporate and politic under the name and style of the town of Russellville, under and by which name and style and acting by and through the proper officers of said incorporation, hereafter to be designated, all the corporate powers and privileges of this town by this act granted, shall be executed and carried into effect as required, and under its corporate name aforesaid the said town corporation shall contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, hold, and sell, grant, alien and mortgage, assume and let property real or personal, may have and use a common seal which may be changed at pleasure, and do and perform all acts incident to such incorporation not inconsistent with the laws and constitution of this state.

SEC. 2. *Be it further enacted*, That the said town shall consist of the entire section thirty and the west half of west half section twenty-nine and southwest quarter of section twenty and south half of south half of section nineteen, all in township 6, range 11, west. Town shall consist of

SEC. 3. *Be it further enacted*, That the government of said town shall be styled the mayor and aldermen of Russellville and shall consist of a chief officer to be styled "mayor of the town of Russellville" and four aldermen to be elected as hereinafter designated whose term of office shall commence immediately after their election and qualification, and who shall hold office and discharge the duties of mayor and aldermen for one year and until their successors are duly elected and qualified. And the board of mayor and aldermen shall direct and superintend said elections, and shall have power to prescribe the mode in which all elections shall be conducted, appoint registrars and assistant registrars of electors and prescribe the manner of determining the qualifications of electors, and the mode of returning and counting the votes, the vote to be returned to the existing mayor, and by him to be laid before the board to be examined and counted, and who shall declare the result of said election. In the event the mayor and aldermen, or any of them, are candidates for re-election, then the said board shall elect one or more persons, as the case may be, from the qualified voters of said town to conduct the election in the stead of such members as are candidates for re-election, who shall be invested with all the powers in the premises that are vested in such members of such board for whom he or they are substituted. Duties of mayor and aldermen

SEC. 4. *Be it further enacted*, That the election for mayor and aldermen shall be on the first Monday in April of each and every year, at which election a mayor and four aldermen shall be elected by the qualified voters of said town, and no one shall be eligible as mayor or alderman unless said person is a qualified elector as provided in section seven of this act. Annual elections

SEC. 5. *Be it further enacted*, That the ballots cast at any election under this act shall after same are counted be sealed up by the board of mayor and aldermen of said town, and deposited with the clerk of the circuit court of Franklin county, Alabama, who shall Disposition of ballots

preserve the same for twenty days after the election is declared, and then if there is no contest, the said clerk shall destroy the same, but in the event of a contest the same shall be delivered to the judge trying the same.

Contests

SEC. 6. *Be it further enacted*, That any election held under this act may be contested in the same manner as is, or may be provided by the laws of this state for the contest of the election of judge of probate, and shall so far as practicable apply to the contest of elections held under this act.

Qualified voters

SEC. 7. *Be it further enacted*, That every male inhabitant of twenty-one years of age, who shall have resided in the State of Alabama one year, and within the town of Russelville thirty days next preceding the election, and complied with the registration, by-laws and ordinances that may be passed by the board of mayor and aldermen, shall be a legal qualified voter and not otherwise.

Election of town officers

SEC. 8. *Be it further enacted*, That the board of mayor and aldermen of said town, shall have power to elect a town clerk or secretary, town treasurer, town marshal, and such others agents, or employees as they may see fit, and think necessary for the good government of said town, and to carry out the powers herein granted; and may prescribe the duties, liabilities and powers of such officers, agents and employees, and may require them to give bond in such sum as they may see fit, for the faithful discharge of their duties, and may remove and discharge any of the officers, agents and employees, appointed by them, at pleasure, and they may fix the salaries and compensation of all officers, agents and employees of said town. For any breach of the bond of any town officer, agent or employee, suit may be brought in the circuit court of Franklin county, Alabama, or before any court having jurisdiction, and such suit shall be governed in the same manner as other like suits. The town clerk shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances of the town of Russelville, which shall be read to the board of mayor and aldermen and signed by the mayor, or acting mayor, when approved by the board, and the same shall have the force and effect of a record; and a copy



thereof, certified by the clerk or secretary shall be *prima facie* evidence in any court of record or elsewhere, and said record shall be at all times open for inspection.

SEC. 9. *Be it further enacted*, That in case of the temporary disability of said officers, the said mayor and aldermen shall be empowered to appoint substitutes in their places, until their disability be removed. Appointing  
substitutes

SEC. 10. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at the regular place of meeting and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board of mayor and aldermen may prescribe; that the said board may determine the rules of its proceedings and may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the board the members present may elect a presiding officer, and in case of sickness or temporary absence from the town, or inability to serve from any good cause, he may appoint any one of the aldermen to act as mayor during such absence or sickness or inability; or if the mayor fail or refuse to appoint them, the board of aldermen may appoint one of their number to act as mayor during absence, sickness or inability, and such mayor *tempore* shall have all the powers of mayor and shall perform all the duties of the same, or in case of the death, removal or resignation of the mayor, clerk, treasurer, or any alderman, the board shall fill such vacancy, and any of such officers who shall have been convicted of bribery, perjury or other infamous crime, shall thereby be deemed to have vacated his office. Quorum  
  
Rules  
  
Mayor  
pro-tem

SEC. 11. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever in his opinion the interest of the town require it. He shall keep an office in said town, and hear and determine all cases of violation of all by-laws and ordinances, and punish the offenders in such way and manner as the board of mayor and aldermen shall direct. He and the aldermen shall receive such salaries, not to exceed one hundred dol- Duties of  
mayor

Failure to  
pay fines

Appeal

lars for the mayor, and twenty dollars each for the aldermen, as may be prescribed by the board; and the mayor shall possess within the corporate limits of said town all the powers and jurisdiction of a justice of the peace in both criminal and civil cases, and shall be subject, under his bond as mayor, to all the corresponding duties and liabilities of a justice of the peace. All persons convicted of any breach of the by-laws or ordinances of said town, and failing to pay or secure such fine, may be imprisoned for such failure, or placed at hard labor for the town until such fine and cost are paid in such manner as the board may direct; *Provided*, that such person so fined shall have the right to confess judgment before the mayor for fine and costs with two good and sufficient sureties, to be approved by the mayor, with a stay of execution for ten days, but if the same be not paid, execution may be issued against the defendant and sureties for fine and costs. From any judgment or decision of said mayor, *pro tempore* of said town, an appeal may be taken to the circuit court of Franklin county, by giving bond with good security, to be approved by the mayor conditioned to pay and satisfy such judgment with costs as the appellate court may render on appeal, but unless such bond be given within five days, then no appeal shall be allowed from such judgment. The proceedings on such appeal shall be in all respects as prescribed by law in cases of appeals from judgment of justices of the peace, except as changed by this act. If such defendant fail to appear in said circuit court, and the case is called for trial, the judgment of the mayor or mayor *pro tempore* shall be affirmed by said appellate court, and judgment shall be rendered against the defendant and his sureties on his appeal bond for the amount of the fine imposed by the mayor or mayor *pro tempore*, and all costs, unless good cause is shown the court for his absence or default, and in case the defendant appears and judgment is rendered by said court for money, the court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs, and if the judgment of said appellate court be that the defendant be imprisoned or put to hard labor for the town, then the

court shall render judgment against the defendant and his sureties on the appeal bond for all costs, and remand the defendant to the town authorities for punishment; also, if the defendant appears and on his own motion dismisses his said appeal, the appellate court shall order him held and remanded to the town authorities for punishment. In case of the death of the party appealing, the action may be revived by or against his personal representative in all cases where the cause of action may be properly revived. From the judgment of said circuit court the mayor and aldermen may appeal to the supreme court of the state. All cases appealed from the mayors court shall be placed on the docket and tried immediately after the criminal docket has been disposed of, and said appeals shall be tried *de novo*, and the defendant entitled to a jury.

SEC. 12. *Be it further enacted*, That the mayor and aldermen shall have full and complete power: 1st. To make, adopt and declare motions, resolutions, by-laws and ordinances, in whatever manner and upon whatever subject they see fit to carry out the powers herein granted, and for the good government and order of said town, and to affix thereto such penalties for the violation of the same by fine not exceeding fifty dollars, and by imprisonment or hard labor for the town not exceeding thirty days, one or both, and all persons convicted of the breach of any by-laws or ordinances failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the town until such fine and costs are paid, and such manner and for such time as may be by ordinance provided, not longer than thirty days. 2d. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced within said corporate limits; to establish and regulate an efficient quarantine within said town, and to punish any breach of quarantine laws, and to prescribe the duties and fix the salaries and compensation of all such health officials as they may deem necessary under the existing health laws of the state. 3d. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises same may be found; 4th. To establish, set up, and regulate hospitals and poor houses, work

Powers  
of mayor  
and alder-  
men

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Powers of  
mayor and  
aldermen

houses and houses of correction. 5th. To license, tax or regulate theatrical or other amusements. Each kind of license may be graduated on such basis as the mayor and aldermen may deem proper. 6th. To restrain or prohibit gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and unlawful assemblies, and public indecencies and all games and sports of immoral character. 7. To regulate night and day watchmen, police, patrol and captain thereof. 8th. To establish, regulate and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats and vegetables or other like articles within certain places, and within certain houses. 9th. To sink, repair and regulate public wells and cisterns, to establish and regulate fire plugs, and public hydrants, and to make all needful provisions for the supply of the town, water by water works, or otherwise, gas and gas lights or other lights, and to control the same. 10th. To regulate the numbering of houses, to name or change the name of any street, avenue, alley or other public place, to set out trees in streets, alleys and parks and prescribe penalties for injuring the same, to cause or procure the sidewalks or foot pavements along the avenues, streets and alleys of said town, now or hereafter established to be kept in good order, graded, leveled, graveled, curbed and paved, or either; and to cause or procure the avenues, streets and alleys of said town now or hereafter established to be graded, leveled and graveled or macadamized, or either, in such manner or with such material as they may deem best, and to cause the expense of all such work and sidewalks and foot pavements along such avenues, streets and alleys of said town now or hereafter to be established, to be assessed against the owners of the lands or lots lying along or adjacent to such avenues, streets and alleys, according to the frontage of said lands or lots, and to make such assessments a lien upon said lands or lots, and to provide for the enforcement of such lien and the collection of such assessments. 11th. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch or drain the same, at the expense of the owner, and to

punish any refusal or neglect of such owner or person in charge of such lot or property by fine and imprisonment—one or both. 12th. To establish, regulate and change fire limits within said town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building and structure, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: one by the owner of the property and one by the mayor of the town. In case of a failure to agree, the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final. 13th. To layout, regulate, improve and control town cemeteries and burial grounds and to sell burial lots in the same. 14th. To prevent the running at large on the streets of all cows, hogs, dogs or other animals, and to pass all laws deemed necessary by the mayor and aldermen for the killing of dogs running at large, and impounding and sale of all stock. 15th. To regulate and control the building of street railways upon the streets, alleys and avenues of said town, and the running of cars thereon, and to regulate and control the running of cars or locomotives upon, or across the streets, alleys or avenues of said town, and to regulate and control the speed of such cars, engines or trains within the corporate limits of said town. 16th. To pass all laws necessary and proper for the arrest and bringing to trial of any person against whom there is a charge made of violating any town or state laws; to pass all laws needful for the issuance and execution of such warrants. 17th. To make and ordain all laws necessary concerning idlers, paupers, vagrants and disorderly or vicious persons, and correcting or restraining their vicious habits, and to pass all laws and ordinances, and to provide for enforcing the same for the suppression in said town of all offenders known and classed in the laws of the State of Alabama, as offenses against the person, offenses against the public peace, offenses against property, offenses against public justice and official duty, offenses against public morality and decency, offenses against public health, convenience and safety, and offenses against suffrage, and all persons convicted of a breach of the by-laws

Powers of  
mayor and  
aldermen

Powers of  
mayor and  
aldermen

and ordinances of said town, failing to pay or secure such fine and cost as may be assessed against him by the mayor or mayor *pro tempore*, may be placed at hard labor for the town or imprisonment until such fine and cost are paid. 18th. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate the same; to enact an ordinance or ordinances to prohibit the wearing of any uniform adopted for the police force of the town, by any person except those belonging to said police force, under a penalty of fine and imprisonment or hard labor on the streets, either or any, at the discretion of the board of mayor and aldermen. 19th. To punish any person who in any manner obstructs the marshal, captain of police or any policeman or other officer in the arrest of any person in said corporate limits, or in the lawful discharge of any of their duties in said corporate limits, and for the punishment of any or all persons who when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or who when summoned to act as patrol, refuse to act. 20th. The said mayor and aldermen shall have power to pass and establish inspection laws within the town, the weighing and measuring of all building material and all kinds of produce or provisions for man or beast, inspectors not to be paid by the town or allowed to demand pay for services, but to be compensated by voluntary payments by the parties served. To erect public scale houses, with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in case of disagreement between the buyer and seller. 21st. Said board of mayor and aldermen shall have power and authority to contract with any persons or association of persons, or corporation to grade streets and alleys, to pave streets and alleys, to contract and repair sewers, to light said town and all buildings used by said town with gas, electricity or other lights, one or more; to supply said town with water, and regulate the conveyance and distribution of water throughout said town, and generally to do every matter and thing for the good and welfare of said town not inconsistent with the constitution and laws of the State of Alabama. 22nd. To establish, regulate and control



free white public schools, and free colored public schools in said corporate limits of said town, and to pay the teachers thereof, and to levy and assess and collect a tax in such manner and to such amount as is not inconsistent with the constitution of the state, on all real and personal property in said town for the support of the public schools; *Provided*, that they may prescribe the terms upon which the children of non-residents of said town may be admitted to said schools; *Provided*, that all children in the township or parts of townships in which the town of Russellville is located, and outside of the corporate limits of said town, shall be privileged to attend the public schools within the limits of said town, upon such terms as may be agreed upon between the superintendent of education of Franklin county and the authorities of said town.

23rd. Said board of mayor and aldermen shall have authority to collect from all persons, firms or corporations trading or carrying on any business, trade or profession by agent or other wise in said corporate limits, a license tax on such business, trade, profession or calling, but mechanics who employ no capital, but conduct their trade solely by their own skill, labor and attention, without employees shall not be subject to the payment of license; *Provided*, that no license tax shall exceed the sum of fifty dollars. To levy and collect each year upon all real and personal property, and all subjects of state taxation within said town, except the subjects enumerated in section 454 of the code of Alabama, and except the tax levied on polls, a tax not exceeding one half of one per cent. of the value of such property or subjects of taxation as assessed for state taxation during the year preceding that for which the corporate authorities may assess, and levy the tax above provided for, and there shall be no exemption from such taxation; *Provided*, that personal property and subjects to taxation not in town on the first day of January of any year, but brought into said town during the year shall be taxed *pro rata* for the remainder of said year from the date it may be brought into said town; *Provided*, any property has escaped taxation in previous years the clerk or tax assessor shall assess the same to be collected as other taxes are collected; *Provided further*, that if there is

Public  
School

Licenses

Taxes

## Taxes

any property in the town on the 1st day of January of the then current year, which was not in the town on the first day of January of the preceding year, or if there was any improvements on the first day of January of the current year erected on property materially enhancing the value of such property which said improvements had not been erected on the first day of January of the preceding year, then it shall be lawful for the town clerk or tax assessor, and it shall be his duty to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for state taxes for the preceding year, and the taxes so assessed shall be collected as other assessments are collected. General dealers in merchandise regularly engaged in business in said town shall be assessed a tax not exceeding one-half of one per cent. on amount of merchandise on hand on the first day of January of each year, and to assess, levy and collect against general dealers in merchandise who are transient a tax not exceeding one-half of one per cent. on the largest amount of merchandise on hand at any one time while engaged in the business; *Provided*, that all property used exclusively for charitable, educational or religious purposes, and all property of waterworks used for the supply of water to said town and its inhabitants, and public parks shall be exempt from taxation by said town. The town clerk or secretary shall be the tax assessor of said town. When he shall have completed the assessment of said taxes, he shall return the same to the board of mayor and aldermen who may hear complaints of any property owners as to excessive valuation upon their property, and they may reduce or raise the valuation of property as assessed, as may in their judgment be consistent and right.

## Lien for

## Taxes

SEC. 13. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and for all other taxes authorized by this act, the town of Russellville shall have a preferred lien over all encumbrances and securities whatever except the state and county taxes, and all taxes against the property of any person under this act or for which such person may become liable

for the current year shall be a lien upon the real and personal estate of such person within said town of Russellville from the first day of January of that year, or if brought in there after that time, the lien shall attach from the time it is brought into the town.

SEC. 14. *Be it further enacted*, That the said board or mayor and aldermen is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said town for taxes. Whether such real estate and personal property belong to resident or non-resident owners, or owners unknown, and to authorize the sale of any one lot or subdivision of lot, or so much of the property as may be sufficient to pay the taxes due, and that the owner, or any one for him, or any mortgagor having a lien be allowed to redeem the real estate any time within two years after the sale on paying the purchaser, or the town treasurer for him, the amount of the taxes, costs and expenses of sale by the purchaser ten per cent. damages and legal interest from the date of the sale to the day of redemption, the person so redeeming to pay costs for recovering, any surplus arising from said sale to be paid to the treasurer and kept by him as a separate fund for the owner upon the responsibility of his bond. When any lot or part of a lot has been assessed to an unknown owner, the assessment shall be *prima facie* evidence of the fact, and that the town of Russellville may by its mayor, or mayor *pro tempore*, purchase real estate sold for taxes, and in such event the deed to the same shall be made by the tax collector of said town to said town to be redeemed as other lands sold for taxes as aforesaid, and when so redeemed the town of Russellville, by its mayor, shall reconvey to the party redeeming at the expense of the latter as aforesaid.

SEC. 15. *Be it further enacted*, That to carry out the powers hereinbefore granted the town of Russellville shall receive the proportionate share of the public school fund coming to the county of Franklin, including a pro-rated share of the proceeds of the sale of any sixteenth section bonds to which the inhabitants of said town may be entitled, and shall receive all the taxes collected as poll taxes within the corporate limits of said town, commencing with the scholastic

Tax sales

Right to redeem

School funds

year, beginning October 1st, 1890, for the use and maintenance of the public schools therein, said fund and taxes to be drawn by the treasurer appointed for that purpose by the board of education of said town in the same manner as county superintendents of education draw the funds of their respective counties, said treasurer to give such bond as may be required by the said board of education for said town, payable and conditioned as bonds of county superintendent.

Disburse-  
ment SEC. 16. *Be it further enacted*, That all funds devoted to public school purposes in the town of Russellville, whether derived from state, county or town, shall be paid to treasurer of said board of education and shall be disbursed in such manner as the board of education shall direct; *Provided*, that the said board shall in each and every year set apart an amount for the payment of teachers of said schools equal to the sum received for that year from the state and county.

Board of edu-  
cation SEC. 17. *Be it further enacted*, That the public schools of the town of Russellville shall be under the charge of a board of education to consist of six trustees to be appointed by the state superintendent of education, who shall be residents of said town, two of whom shall be appointed for two years, two for four years and the other two for six years, and bi-annually said superintendent of education shall appoint two members of said board of education to fill the office of those whose term of office has expired.

Appointed  
by State  
Sup't of Edu-  
cation

Vacancies

Vacancies in said board shall be filled by the said superintendent of education, said board of education shall elect one of its members president of the board whose duty it shall be to make reports and furnish statistics and information to the superintendent of the state as may be required by law of county superintendents of education.

Oath of office SEC. 18. *Be it further enacted*, That each member of the board of education, except the president, shall on his induction into office take the following oath, which may be administered by the mayor or any one authorized to administer affidavits: "I do solemnly swear that I will use my best endeavors to carry out faithfully all the laws now in force and those hereafter enacted to provide a school fund and to regulate the

public schools of the town of Russellville, so help me God."

SEC. 19. *Be it further enacted*, That the said board of education shall have power with the approval of the mayor and aldermen of said town, to buy houses and lots, or either, or to build upon their property or that of the said town, suitable houses for use and accommodation of the public schools of said town, or said board may rent said houses. Said board shall keep said houses in proper repair, and shall furnish the same with appropriate furniture and apparatus; *Provided*, that no contract shall be entered into and no disbursements of any funds or moneys under the provisions of this section, shall be made except by the consent and under the control and direction of the board of mayor and aldermen.

School  
houses

SEC. 20. *Be it further enacted*, That the said board of education may open a sufficient number of schools for the white and colored population separately, to meet the wants of the population of said town, and said board may elect such officers as are in their opinion necessary to the good government of said schools, and when required such officers shall, before entering upon the duties of their respective offices, take the oath of office prescribed by law for all officers in this state, and shall give bond in such sum as may be fixed by said board of education, and conditioned as all other official bonds. Such bonds shall be approved by the president of the board of education and filed with the other official bonds of the town, and a certified copy of the bond of the treasurer of the board of education of said town shall be filed in the office of the state superintendent of education, and shall elect a superintendent and all teachers, fix their compensation and prescribe their duties; control distribution of teachers and pupils among the several schools; dictate the course of instruction, the number and character of text books, the organization of classes, and shall prescribe rules and regulations for the government of all schools. Such board of education shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said town. Any of such officers or teachers may be removed for cause to be determined by said board.

School  
officers  
Oaths, bonds,  
etc

Children en-  
titled to ad-  
mission

SEC. 21. *Be it further enacted*, That the children and wards of actual residents within the corporate limits of said town, from seven to twenty-one years of age, shall be entitled to seats as pupils of the public schools of said town; *Provided*, said children shall themselves be bona fide residents of said town, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe.

Com'ttee for  
examination  
of teachers

SEC. 22. *Be it further enacted*, That the said board of education may create a committee for the examination of applicants for position as teachers, and no person shall be employed as such teachers until the board is thoroughly satisfied as to the applicants qualification and good moral character.

Secretary  
and treasurer

SEC. 23. *Be it further enacted*, That the said board of education may elect from its own members a secretary and treasurer, and such other officers as may be required to serve for one year or until their successors are elected and qualified.

May issue  
bonds

SEC. 24. *Be it further enacted*, That the mayor and aldermen of the town of Russellville and their successors in office be and they are hereby authorized and empowered to issue bonds of said town to an amount not to exceed fifty thousand dollars, or so much thereof as the said board may deem necessary for the purpose hereinafter named, to be issued in such form and manner as the mayor and aldermen may direct, in sums not less than one hundred dollars nor more than one thousand dollars, payable not less than ten nor more than thirty years from date of issuance to bearer of or to order of any person or corporation to whom the same is negotiated, by said mayor and aldermen at such bank or banking house of said town or at such place as may be chosen by the mayor and aldermen of said town, but said bonds to be redeemable at the pleasure of the authorities of said town at any time after ten years from the date of issuance.

Amount is-  
sued first year

SEC. 25. *Be it further enacted*, That not more than eleven thousand dollars of said bonds be issued within the first year after the passage of this act, not more than six thousand dollars the first year for school purposes, and not more than five thousand dollars for other purposes hereinafter mentioned.



SEC. 26. *Be it further enacted*, That the bonds issued under this act shall bear annual interest of not more than six per cent, payable annually or semi-annually, and for the payment thereof coupons shall be attached to said bonds and numbered to correspond with said bonds, setting forth the amount of interest, when due and where payable.

Interest

SEC. 27. *Be it further enacted*, That the bonds and coupons issued under this act must be signed by the mayor of this town and countersigned by the treasurer thereof, and must be numbered according to the order in which they are issued, and the seal of said town shall be affixed thereto. The said mayor and treasurer are each required to keep a correct record of all the bonds issued under this act, and said bonds shall be sold only for money, and at not less than ninety-five cents on the dollar.

Duties of mayor, and treasurer

SEC. 28. *Be it further enacted*, That the said board of mayor and aldermen of the town of Russellville are authorized and empowered to do any and all things that may be necessary to carry the powers hereby granted, either through themselves or by agent or agents duly authorized and appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, neglect or omission in the proceedings or records of said board, shall in any wise vitiate or annul said bonds or coupons issued under this act, or any rights of the purchaser of the same, but said bonds and coupons shall have all the properties and protection of commercial paper, and said bonds and coupons shall be receivable for all dues to said town and for all taxes levied for use thereof, after the maturity of said bonds and coupons, except such taxes as may be specifically set aside for school purposes.

Authority to do all things necessary

SEC. 29. *Be it further enacted*, That no more than fifteen thousand dollars of said bonds may be issued for school purposes, and designated as school bonds, and not more than thirty-five thousand dollars of said bonds may be issued and sold, the proceeds of which shall be applied to the construction and improvement of streets, alleys, sewers and public places of said town, and for the erection of public buildings, and for the purchase of a cemetery.

Amount issued and application of proceeds

Sinking fund SEC. 30. *Be it further enacted*, That to meet the interest and principal at maturity upon any or all of the bonds issued under the authority of this act, the board of mayor and aldermen shall, and it is hereby made their duty, to set apart out of the general revenue of said town, each year, an amount as a sinking fund, to meet and pay off the principal and interest upon said bonds at maturity.

Duties of treasurer and his bond SEC. 31. *Be it further enacted*, That the money arising from the sale of the school bonds shall be paid into the hands of the treasurer of the Board of Education of said town; *Provided*, The said treasurer has given the bond hereinbefore mentioned; that the money arising from the sale of all the other bonds that are issued and sold, shall be paid into the hands of the treasurer of said town. But before he shall receive any of said money, he shall be required by said board of mayor and aldermen to make a bond, payable to said town, conditioned for the faithful discharge of his duties, and the amount of his bond, as well as that of the treasurer of the board of education, shall be an amount not less than twice the amount of money that shall come into their hands, the said bonds to be recorded by the secretary of said town, and a certified copy thereof filed and recorded in the office of the probate judge of Franklin county, and a certified copy from such records shall be received as evidence in any suit on such bond.

How money to be paid out SEC. 32. *Be it further enacted*, That the money raised from the sale of school bonds shall be paid out by warrants drawn by the president of the board of education, and countersigned by the secretary of the board of education, and the money raised from the sale of other bonds, shall be paid out by warrants drawn by the mayor and countersigned by the secretary of the board of mayor and aldermen.

Working on streets SEC. 33. *Be it further enacted*, That the said board of mayor and aldermen shall have authority to require all male inhabitants of said corporation, who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said town, for at least five days in each year, under the direction of such officers as the town may appoint; *Provided*, that any person so required to work

may relieve himself from so working by paying into the town treasury the sum of five dollars, money so paid to be applied exclusively to the improvement of the streets; *Provided further*, that all the male inhabitants of said town shall be exempt from working on roads or highways outside of said town limits; *Provided further*, that no male inhabitant of said town, save ministers of the gospel, and those who have lost an arm, or a leg, or both, shall be exempt.

SEC. 34. *Be it further enacted*, That it shall be unlawful for any officer, agent or employee of said town, either directly or indirectly, by himself or his agent, to purchase, deal in, or traffic in any manner, in a claim, debt warrant or script due from the town, other than town bonds or coupons, and any person found so dealing, shall be guilty of a misdemeanor, and shall be punished by fine, not less than ten nor more than one hundred dollars, but nothing herein shall prevent any officer, agent or employee, from acquiring directly from the town, or from receiving in good faith any town claim, in payment of a debt due to him, nor from purchasing in good faith so much of said claims as may be necessary to pay his taxes and license for the current year; and it shall be unlawful for the mayor and board of aldermen of said town to make any contract directly or indirectly with any member of said board, to render any service, or perform any labor for said town for which compensation is to be paid.

Not to deal  
in town  
claims

Mayor and  
alderman not  
to contract  
with town

SEC. 35. *Be it further enacted*, That the mayor of the town of Russellville before entering upon the duties of his office, shall enter into bond, to be approved by the probate judge of Franklin county, payable to the town of Russellville, in the sum of one thousand dollars, conditioned faithfully to discharge the duties of his office, during the time he continues therein, or discharges any of the duties thereof. And said bond shall be filed and recorded in the office of the probate judge of Franklin county, and a certified copy from said recdrds shall be received in evidence, and the said mayor and each of the aldermen before entering upon the duties of their office, shall subscribe the following oath: "That I, A. B., will faithfully to the best of my skill and judgment, perform the duties required of me as mayor (or alderman as the case

Bond of  
mayor

Oath of  
mayor

may be) without favor or partiality," which oath shall be filed in the office of the clerk or secretary of said board.

Effect of this  
act

SEC. 36. *Be it further enacted*, That this act shall in no wise affect any property claims, or demands of whatever description, belonging to the town of Russellville, as it existed previous to the passage of this act, nor shall it affect any suit now pending by or against the town of Russellville; that all claims and liabilities, contracts, debts, owing to or incurred by said town, shall be enforced against said town, and by said town, as if this act had not been enacted.

SEC. 37. *Be it further enacted*, That all ordinances or resolutions passed by said board of mayor and aldermen shall take effect from and after their passage, and posting a copy of the same in a conspicuous place in the mayor's office, unless otherwise provided.

Streets

SEC. 38. *Be it further enacted*, That the board of mayor and aldermen shall have the power to take and appropriate grounds for widening or extending streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades, when the public convenience requires it; *Provided*, that when private property is taken for such purposes, the owner shall receive full compensation for the property so occupied; and when such property is to be so occupied, the mayor and aldermen shall specifically describe the same in writing, appoint a jury of five disinterested freeholders of said town to assess the compensation to be paid to the owner thereof; and said jurors, after being sworn by the mayor of said town shall, on a day to be named by the board of mayor and aldermen, review said property to be appropriated, and award the compensation to be paid to the owner of said property, and return their award to the board at the time stated in their commission. And when said award is paid or tendered by the mayor of said town to the owner of said lands so occupied, or to the guardian of any minor whose property is so taken, or if property of an unknown owner, or if a minor without a guardian is so condemned and the award is paid into the probate court of Franklin county, then the title to the property so taken is vested in the town of Russellville.

But the owner of said property if known, or the guardian of any minor whose property is so taken, shall have notice of such condemnation proceedings, and if unknown, or a non-resident of the state, notice thereof must be posted in the office of the mayor for three weeks prior to the assessment by the commissioners, and if property of a minor without guardian is to be appropriated, the probate judge of Franklin county, must appoint a guardian *ad litem* upon whom such notice must be served. The owner of property so occupied, may appeal from the award of the commissioners, by entering into bond for costs, to be approved by the mayor, but such appeal shall not suspend the right of the mayor and aldermen to appropriate the property so condemned.

SEC. 39. *Be it further enacted*, That all laws and parts of laws which may contravene any of the provisions of this act be, and the same are hereby repealed; and that this act shall take effect from and after its passage; that the present board of mayor and aldermen of the town of Russellville, shall be mayor and aldermen of said town until the annual election on the first Monday in April, 1891, and that all acts heretofore done by them for government of the said town, not inconsistent with the constitution and laws of the state of Alabama, are hereby declared valid, that the laws heretofore enacted, incorporating the town of Russellville, with amendments thereto, (save and except as provided by this act) be and the same are hereby repealed.

Laws in conflict repealed

Present officers continue, etc

Approved February 16, 1891.

370]

AN ACT

[H. 1068

To regulate the fine and forfeiture fund in Tallapoosa county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4895 of the code, be so amended as to put the claims of officers of the court equally with state witnesses in cases where the state fails to convict, and to be paid in rotation as registered

Officers claims

by the county treasurer so far as the same relates to Tallapoosa county.

Approved February 16, 1891.

371]

AN ACT

[s. 388

To establish a charter for Alabama City, in Etowah county, Alabama.

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within the boundaries hereinafter designated are hereby incorporated and constituted a body politic and corporate under the name of Alabama City, and by that name may sue and be sued, receive and grant, and do all such other acts as natural persons may within the powers herein granted and conferred, and may purchase and hold property, real and personal, for municipal purposes and may have and use a corporate seal that may be altered at pleasure.

Boundaries

SEC. 2. *Be it further enacted*, That the corporate limits of said Alabama City shall be included within the following boundaries: Beginning at a point on the east bank of Black creek where the north line of section 32, township 11, range 6 intersects the same, and running west along the north line of section 32 and 31, township 11, and sections 36 and 35, township 11, range 5 to the west bank of Little Will's creek, thence along its meanderings on the west bank of said Little Will's creek in a southerly direction to a point where the said Little Will's creek intersects the township line running east and west dividing townships 11 and 12 of range 5, east, in Etowah county; thence east along and with said township line to the southeast corner of section 35, township 11, range 5, east, and the northwest corner of section 1, township 12, of range 5, east; thence south along and with the line dividing sections 1 and 2 in said township 12 of range 5, east, to the southwest corner of said section 1 and the southeast corner of said section 2 in said last named township and range 5, east; thence east along the south line of section 1, township 12, range 5, east, sections 6 and



5, township 12, range 6, to the east bank of Black creek; thence in a northerly direction along the meanderings of the east bank of said creek to beginning point; and said corporate limits may be enlarged or contracted by the corporate authorities of said city. Said corporate authorities may divide said city into four wards, which may be increased to seven when said authorities think proper, and altered or changed as authorities see fit; said alteration and changes being always made so as to apportion representation as near as may be to the popular vote.

SEC. 3. *Be it further enacted*, That the first election of city officers elected by the people under this charter, shall be held on the first Tuesday in April, 1891, and annually on the first Tuesday in April thereafter, and the city officers so elected shall hold their several offices for the term of one (1) year, and until their successors are duly elected and qualified; and William Gardner is hereby appointed mayor of said city of Alabama City, and C. A. Clayton, C. F. Norris, R. V. Wilson and Abihu Christopher are hereby appointed aldermen of said city of Alabama City, and shall hold office until the first regular election for mayor and aldermen held under this charter, and until their successors are elected and qualified.

Annual  
elections

Mayor and  
aldermen

SEC. 4. *Be it further enacted*, That the mayor and aldermen above appointed for said city shall designate the place of holding elections; shall appoint three (3) managers of election, who shall be legal voters of said city; shall prescribe the manner of holding elections, and ascertain and declare who are duly elected. In case of a tie between any two or more candidates for the same office, the mayor and aldermen shall elect between such candidates and decide who shall fill the office in question; and vacancies in any of the city offices from any cause shall be filled forthwith by the mayor and aldermen. The corporate authorities of Alabama City may appoint more polling places than one, but not exceed one in each ward, and there shall be three managers of elections for each polling place, two (2) of whom shall be members of opposing political parties, if practicable.

Elections

SEC. 5. *Be it further enacted*, That the ballots cast at any election under this act shall be by the male inhabitants of said city of and over the age of 21 years who are lawfully entitled to vote under the general election laws of the State of Alabama, and who shall have resided within the city 30 days next preceding said election and shall be qualified to hold office and be qualified electors in said city.

SEC. 6. *Be it further enacted*, That the ballots cast at any election under this act shall, after counting the same, be sealed up by the mayor and aldermen of said city and deposited with the clerk of the circuit court of Etowah county, Alabama, who shall preserve the same 20 days after election is declared; then if there is no contest, said clerk shall destroy the same; but in event of contest the same shall be delivered to the judge trying such contest; that any election under this act may be contested in same manner as is now or may hereafter be provided by the laws of this state for the contest of election of judge of probate, so far as the same will apply to contest under this act.

SEC. 7. *Be it further enacted*, That no person shall hold the office of mayor or aldermen of said city who has not resided therein one year next preceding the election, and the alderman must be a resident of the ward and a qualified voter therein for which he is elected at the time of his election.

SEC. 8. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at their regular place of meeting, adjourn from day to day, and compel attendance of absent members in such manner and under such penalties as the board may prescribe; that the board may prescribe its rules of procedure, fine its members for absence or disorderly behavior, and fill all vacancies that may occur by death or otherwise. In the mayor's absence at any meeting of the board the members present may select their presiding officer, and in case of the mayor's sickness or his temporary absence from the city, or his incompetency by reason of interest, or heirship, or other inability to discharge the duties of his office, he or the aldermen may appoint any alderman to act as mayor in his stead, and such mayor *pro*

*tempore* shall have all the powers of the mayor and perform all his duties.

SEC. 9. *Be it further enacted*, That it shall be the mayor's duty to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever in his opinion the interest of the city require; he shall keep his office in said city, and hear and determine all cases of violation of all by-laws or ordinances or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe, and he shall possess within the corporate limits of said city all the power and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not come before him as mayor of said city. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the circuit court of Etowah county, Alabama, upon defendant entering into bond good and sufficient security to appear at the term of the court to which the appeal is taken and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the city of Alabama City in such penalty as the mayor prescribes, and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted, a court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him. And if the fine be not paid or imprisonment imposed, the defendant shall be remanded to the city prison, there to remain until discharged as provided by the ordinances of said city upon conviction before the mayor. In case defendant does not appear at the trial, but makes default, his bond shall be declared forfeited and judgment shall be rendered thereon against defendant and his sureties as in state cases, except that the judgment shall be in favor

Duties of  
mayor

Appeal

Jurisdiction  
of mayor

of the city of Alabama City; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, *scire facias*, or other writs instituted for the collection of any fund or bond payable to the city of Alabama City taken under this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as execution from justice court. Said mayor shall have the right when the good or safety of the city may require it, to demand the aid of the sheriff of Etowah county for the protection of said city. He may punish any contempt while holding his court or while the board is in session by fine not exceeding twenty-five dollars and by imprisonment not longer than ten days, one or both. He shall, at least once in every four months, make a written statement to the board of the financial condition of the city, which statement shall be published in some newspaper; he shall have the power to suspend the marshal or any policeman until the next regular meeting of the board, and report to said meeting the facts of such suspension and its cause, and he shall do and perform such other and further duties as the board may require. And he may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him after being duly served with subpoena.

Mayor to  
make reports  
etc

Appointed  
officers

SEC. 10. *Be it further enacted*, That the board may appoint a city marshal, clerk and treasurer of said city, and such other officers as they may see fit, and think necessary for the good government of said city, and prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bond of such officers, suit may be brought and recovery had before any court having jurisdiction, and such suits shall be governed in same manner as other like suits. The city council shall keep a regular record of all proceedings, orders, regulations and ordi-

nances of the board which shall be read to the board, and signed by the mayor, or acting mayor, and the same shall be of the force and effects of a record, and a copy thereof duly certified by the clerk shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at times be open to public inspection.

Record of  
proceedings

SEC. 11. *Be it further enacted*, That the marshal shall have in said city all the powers of a constable, and shall be entitled to all fees of such officer; he shall possess in said city all the powers of a peace officer; he shall execute the orders, notices and process of the board, and of the mayor, and may arrest without warrant for all violation of city ordinances committed in his presence, but for all other violations of said ordinances arrests must be made with a warrant. He shall perform such other and farther duties as the board may prescribe.

Powers and  
duties of  
marshal

SEC. 12. *Be it further enacted*, That the mayor and aldermen of said city shall have full and complete powers: First. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said city, as they may think proper, and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this state as shall be needful for the government, police interest, welfare and good order of said city; and to fix there-to such penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the city not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said city, failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid, in such manner as the board may direct not longer than 30 days; *Provided*, that any person shall have a right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and cost within 30 days from judgment imposing the same, but if after such bond

Powers of  
mayor and  
aldermen

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Powers of  
mayor and  
aldermen

and security such fine and cost be not paid in 30 days, execution to collect the same may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on streets or elsewhere in the city, who refuse to work when under the mayor's sentence for violating any city ordinance. That no female must be punished by subjecting her to work on the streets. Second. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into such city, and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof, and punish any breach of quarantine law. Third. To prevent and remove all nuisances at the expense of person causing the same or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of owner of the same, when they fail or refuse upon reasonable notice to remove or renovate and repair such houses or structures. Fourth. To establish, set up and regulate hospitals, work-houses and houses of correction. Fifth. To license, tax, regulate or restrain theatrical and other amusements, and selling, retailing or giving away vinous, spirituous or malt or intoxicating liquors or beverages. Sixth. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize-fighting, cock-fighting, and anything else hurtful to the good order and morals of society, and all misdemeanors; and all gambling implements, and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements, and devices are brought to Alabama City or made or kept or found there, to be used for gaming purposes. Seventh. To appoint and regulate day and night watchmen, police patrol and captain thereof. Eighth. To divide the city into wards and to regulate and change the same. Ninth. To establish, regulate and control markets, market-houses, and to pass by-laws, for the sale of meats, vegetables and other like articles within certain places and within certain hours. Tenth. To sink, repair and regulate



public wells and cisterns; to establish, and regulate fire plugs and public hydrants, and to make all needful provisions; to supply the city with water, gas and gaslight, and electric lights, and to control street lamps. Eleventh. To open, locate, repair and regulate and establish alleys and streets, and to change, alter, abolish and vacate them or any part or parts thereof; to establish avenues, pavements, sidewalks, and curb and grade them and regulate the same, and to make all the salutary by-laws, respecting the use of the streets. Twelfth. To establish and build drains and sewers, aqueducts and reservoirs and to regulate the same; and to compel owners of lots or real property to drain the same, and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails or refuses, after five days' notice, to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the city limits when necessary. Thirteenth. To establish and regulate, or change fire limits within said city, and pass all laws necessary to the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require all owners of theatres, opera houses and all other houses where the public assemble in mass, to provide said houses with fire escapes and a suitable exit. Fifteenth. To lay out, regulate and control city cemetery burial grounds, and to sell burial lots in same. Sixteenth. To prevent the running at large on the streets of all dogs, cows, hogs, horses or other animals, and to pass all laws in the judgment of the board, necessary for the sale and impounding of said animals, on proper notice to owners thereof. Seventeenth. To regulate and control running of cars on or across streets, avenues or alleys of said city, and to control the speed of such cars and locomotives in said city. Eighteenth. To pass all necessary and proper laws for the arrest with or without a warrant of all offenders against the city ordinances or state laws and to confine such persons until tried, convicted or discharged by law. Nineteenth. To pass

## Powers

all laws and ordinances in relation to auctioneers plying their vocation on the streets and to prohibit or regulate the same, and to regulate pawn brokers. Twentieth. To make and ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security for their condemnation to hard labor for the city for a limited time, not exceeding 30 days. Twenty-first. To punish all persons who obstruct the marshal, or other officers in the arrest of any person of said city, or in the lawful discharge of any duty in said city; and to punish all persons who when called upon to aid in arresting any person, fail or refuse to give such aid. Twenty-second. Said board may establish necessary inspection, fix and regulate the size of bread and provide for the weighing and measuring of all kinds of produce for man or beast, and regulate the same. Twenty-third. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of guns, powder, or other dangerous material, guano or other commercial fertilizer, within said city; to regulate and control the sweeping of chimneys, the use of lights, stovepipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire and to extinguish the same. Twenty-fourth. To require property owners to keep sidewalks in front of their property in good order, and to pave the same when the board shall so order; to repair, keep in good order and pave sidewalks in front of such property whose owners shall, after being so ordered, fail or refuse to repair, keep in good order or pave sidewalks for five days after notice and to tax same against such property, which tax shall have the lien of and be enforced and collected as other taxes. Twenty-fifth. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares, to supply the city with pure water, and for all other public municipal purposes proper, on making just compensation

to the owners of lands condemned; and the general laws of the state applicable to *ad quod damnum* suits and proceedings shall apply in all such cases. To build drains and sewers, and to supply the city with water, Powers the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary. Twenty-sixth. To have and exercise full police power in said city; to prevent crime and arrest offenders; to protect the rights of persons and property; to preserve the public peace and for this purpose may command the aid and assistance of the sheriff of Etowah county and all voluntary military companies in said city whenever the mayor or board may deem the same necessary. Twenty-seventh. To grant the right-of-way through the streets, avenues and squares of said city for the purpose of street or other railroads, telephones, telegraph and electric light companies, and for laying pipes of gas and water companies. Twenty-eighth. To provide for the pavement of streets, avenues and alleys when petitioned by property owners who own two-thirds majority of the front feet of any street, avenue or alley to be paved. The cost of paving to be paid by the property owners, and to tax cost of same pro rata per front foot against all property fronting on said street, avenue or alley, which tax shall have the lien and be enforced and collected as other taxes. Twenty-ninth. To punish injuries to streets and side-walks and trees and to private and city property. Thirtieth. To require each male inhabitant of said town between the ages of eighteen and fifty years not physically disabled, to pay a street tax of one dollar per annum. Thirty-first. To borrow and expend not exceeding one hundred thousand dollars for the purpose of improving the streets of said city, necessary drainage, sanitary purposes, sewerage, for lighting said city by gas or electricity and for educational purposes, and to issue bonds with coupons attached signed and numbered to correspond with said bonds for the payment of the same, said bonds to run not longer than twenty-years, and to bear not more than eight per cent per annum interest: to be issued in such form and manner as board may direct; and in sums of not less than five hundred dollars and not to be sold or hypothecated for less than

ninety cents on the dollar, and to be sold only for cash; and said bonds and coupons shall have all the properties and protection of commercial paper, and shall be receivable for all dues to said city, and shall not be affected by any technicality, informality, neglect or omission in the proceedings of the corporate authorities of said city.

This is a public  
lic act

SEC. 13. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all courts of law and equity; and all ordinances, resolutions and proceedings of said city may be proved by the seal of the corporation, attested by the city clerk, and when printed purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

License

SEC. 14. *Be it further enacted*, That the mayor and aldermen of Alabama City shall have authority to license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery stable keepers, and all other privileges; and also to license, tax, regulate machinery, carriages, carts, omnibuses, wagons, drays, and all other vehicles

SEC. 15. *Be it further enacted*, That said city council have authority to levy and collect from all persons, firm or corporation trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax, which shall be fixed and declared by ordinance. And the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation; *Provided*, that not more than one license tax under this act shall be assessed against or collected from parties trading or doing business under a firm name; *Provided further*, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees. The corporate authorities may also by ordinance impose such fine and penalties, within the limitation of this act, as they may deem advisable for the doing of any business, or carrying on any trade, or exercising any privilege, or practicing any

profession by any party who shall fail to take out such license as may be imposed by the corporate authorities.

SEC. 16. *Be it further enacted*, That the corporate authorities of the city of Alabama City may levy and collect each year, upon all real and personal property, and all subjects subject to state taxation within said city, except the subjects enumerated in section 454 of the code of Alabama, and except the tax levied on polls, a tax not exceeding one half of one per cent. of the value of such property, or subjects of taxation, as assessed for state taxation during the year preceding that for which the corporate authority may assess and levy the tax above provided for, and there shall be no exemption from such taxation; *Provided*, that personal property and subjects of taxation not in said city on the first Tuesday of April, 1891, but brought into said city since the above named date shall be assessed and taxed prorata for the remainder of said year from the date it may be brought into said city; *And provided further*, that if there was any property in the city on the first day of January, of the then current year, which was not in the city on the first day of January of the preceding year, or if there were any improvements on the first day of January of the then current year, erected on property materially enhancing the value of such property, which said improvements had not been erected on the first day of January of the preceding year, and consequently not assessed for state taxation during the preceding year, then it shall be lawful for the city clerk or city tax assessor, and it shall be his duty to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for state taxes for the preceding year and the taxes so assessed shall be collected as other assessments are collected. All property used exclusively for charitable, educational and religious purposes or either of them shall be exempt from taxation by said city.

SEC. 17. *Be it further enacted*, That the taxable property of each tax payer, and the subjects of taxation on which he is taxable, and the amount of value of each item thereof, as valued by the assessor of Etowah county, for the preceding year, mentioned in

Taxes

Tax assessment

section 15 shall be ascertained and fixed by the afore-said tax assessor's books of such year, made by him according to law, and any supplemental assessment that may have been made by him for such year, all corrected according to the laws of Alabama.

Assessor's  
book      SEC. 18. *Be it further enacted*, That the corporate authorities shall cause a copy of such tax assessor's books, corrected as aforesaid, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act; but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be corrected as to show the true owner at the beginning of the year for which the tax provided for in this act is to be laid, and so as to show against whom the tax on each is laid; if the property has, since such assessment, been destroyed or greatly damaged by fire or other cause, this shall also be rated with the estimated amount of damage.

Hearing  
objections      SEC. 19. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of the city of Alabama City, where it shall remain for twenty days open to public inspection, and notice of the fact shall be immediately given by said clerk by publishing in some newspaper, or by posting said notice in three public places in said city for ten days. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of, on the first Tuesday in April, 1891, and thereafter the first day of January, of the year for which the tax therein provided for is to be laid shall, within twenty days, file with the clerk his affidavit to that effect, and if he knows the owner shall state who it is, or that he does not know. Any taxpayer may file objection as to the correctness of said book as a copy of the afore-said book of the tax assessor of Etowah county, stating wherein said copy does him injury. Upon notice with the clerk that these objections have been filed, said mayor and aldermen shall meet and determine all objections and correct said book accordingly, and their



decision on such objections, and as to all corrections to be made shall be final. Said mayor and aldermen shall continue its session from day to day until all objections filed are disposed of and no longer.

SEC. 20. *Be it further enacted*, That a majority of the mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid.

Levying  
tax

SEC. 21. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied, and all other taxes authorized by this act, the city of Alabama City shall have a preferred lien over all encumbrance and securities whatsoever, except county and state taxes against the property of any persons under this act, or for which such persons may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said city of Alabama City from the first Tuesday of April, 1891, and from the first day of January thereafter, or if brought in there after that time, the lien shall attach from the time it is brought into said city.

Lien on  
property

SEC. 22. *Be it further enacted*, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the city of Alabama City, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper or in three public places, posting the same in Alabama City that he is ready to receive taxes for said city. Taxes not appearing in said book but authorized by this act, will be collected on the warrant of the mayor directed to the tax collector commanding and authorizing him to collect said taxes.

Authority to  
collect

Personal demand

SEC. 23. *Be it further enacted*, That after 30 days have elapsed from the first publication of such notice the city tax collector shall make personal demand on delinquents wherever they may be found for their taxes and cost, and whenever unable to find them, shall leave a written or printed notice at the place of residence of such taxpayers requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect 50 cents; and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to taxpayers who are non-residents of such city.

Liability of collector

SEC. 24. *Be it further enacted*, That the collector of taxes shall be charged with and accountable for the whole amount of taxes assessed for the year or fraction thereof, and can only be discharged from accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

Delinquent

SEC. 25. *Be it further enacted*, That all taxes laid under this act, which are not at the end of 90 days from the first publication of the notice required in this act paid, shall be in arrears and delinquent from that date, and after the expiration of said 90 days as aforesaid, the tax collector may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then upon the real estate of such delinquent taxpayers; *Provided*, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of such delinquent taxpayer for taxes and cost of sale, and no personal property sold for taxes shall be subject to redemption, and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

When taxpayer about to leave

SEC. 26. *Be it further enacted*, That it shall be the duty of the tax collector, whenever upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the city, and thereby the collection of such taxes are in danger, to make out and certify to the mayor of the city a bill against

such person for the amount of taxes and fees due thereon, and upon the approval thereof by the mayor in writing endorsed thereon, such writs shall operate as a writ of *feri facias*, which the collector is authorized by levy and sale in same manner as sheriffs are authorized to execute such writs when issued out of the circuit court, and on the failure of the collector to act in the cases provided for in this section, he shall be liable for the taxes against such persons.

SEC. 27. *Be it further enacted*, That when real estate is levied on for taxes, notice of the sale shall be given ten days before the sale by posting in three public places or by publishing in some newspaper, and the land so levied on must be described by such numbers and abbreviations as will clearly indicate the land to be sold, and the sale of such property shall take place in front of the postoffice in Alabama City, commencing on the day indicated in the notice, and continuing from day to day until completed. Advertising

SEC. 28. *Be it further enacted*, That all the sales by the tax collector of property for taxes, he shall attend and bid off for the city of Alabama City as purchaser all the lots and lands on which the tax collector can not get a bid from other persons for the taxes and expenses of sale, and the city of Alabama City shall have a certificate of purchase, and be invested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: I.....tax collector of the city of Alabama City, do hereby certify that the city taxes for the year 18.....(or the particular tax or assessment as the case may be), amounting in all to \$....., being due and unpaid by A. B., the owner or agent therefor, I have this day sold for the payment of taxes due by the said A. B., and for the collection of costs of levy and sale to C. D., who has paid the amount of taxes due as above, the following piece, parcel or lot of land in the city of Alabama City, and bounded and described as follows: (insert description), by virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold Tax sales

the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this the.....day of ....., 18.....

..... tax collector.

#### Tax sales

Said certificate shall be now prima facie evidence of the regularity of all the previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment of sale unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment, and the proceeding for sale, were paid at the time of such sale. Any real property sold under this act may be redeemable by the owner or any person interested therein within two years after said sale by paying to the city of Alabama City amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office in a book provided for the purpose and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed as herein provided, it shall be such tax collectors duty to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase, and on his failure to do so, he and his bondsmen shall be responsible to the persons entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evi-

dence of the facts therein stated, and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from date of sale the tax-collector then in office shall, upon application of holders of certificate so purchased, make out a deed to each lot or parcel of land sold and unredeemed, and deliver the same to the purchaser or his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed; but any number of parcels of real property for which one person may hold certificates of purchase, may be included in one deed. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded, shall vest in grantee all rights, titles and estates of former owners, free from all encumbrances made or suffered by them, except state and county taxes. Such deeds shall be prima facie evidence in all courts of this state in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in said deed, of the regularity of all proceedings in assessment and sale of said property required by this act, and of the titles of the grantee, his heirs and assigns.

Tax Deed

SEC. 29. *Be it further enacted*, That if said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing, the provisions contained in the code of Alabama, or any part of such provision for the collection of taxes, so far as the same will apply, and have the same right to sell property and make titles to property sold for taxes as is provided for collecting state and county taxes, and said corporate authorities in adopting provision shall, by adopting ordinance, declare which of said provisions they may adopt, and in such ordinance they may change the provisions so far as to substitute the city tax collector for that of the state and county, and so far as to adopt the provisions relative to state and county taxes to the collections of the taxes herein authorized; and the mayor and aldermen shall have power to collect all taxes and all fines by execution,

May adopt provisions of code

levy and sale, and from such executions no property shall be exempt; *Provided*, that this mode of collection shall not prevent collection of such in any other manner than herein provided.

Contracts with city      SEC. 30. *Be it further enacted*, That it shall be unlawful for any officer of said city to make or enter into with the city authorities any contract for work or services or for material and supplies, and any such contract shall be void; nor shall any officer or a person charged with the collection of taxes, licenses or dues for said city, unless it be to dispose of warrants that may have  
Trading in claims      issued directly to such person due, or to in any manner offer any claim warrant or liability against said city, and any person violating this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars.

Registration      SEC. 31. *Be it further enacted*, That the board of mayor and aldermen of said city, whenever they see proper to do so, may provide for a registration of the voters of said city; and such registration shall be made under such lawful rules and regulations as the board may prescribe.

Public school district      SEC. 32. *Be it further enacted*, That the corporate limits of Alabama City, Alabama, or as they may hereafter exist, shall constitute a public school district, separate and apart from the remaining school districts of Etowah county, and shall be known as the Alabama City public school district.

Board of education      SEC. 33. *Be it further enacted*, That the public schools of Alabama City shall be under the charge of a board of education, to consist of five and not more than nine members; they shall be chosen by vote of the electors in the same way, time and manner as the other officers of the city are chosen, to serve for a term of three years, and all vacancies shall be filled by said board.

Officers of board      SEC. 34. *Be it further enacted*, That the board of education shall have authority to elect from its own members a president, secretary, and treasurer, to serve for a term of one or more years as the board may prefer. The first election of said officers shall be held the second Tuesday in April, 1891, or as soon thereafter as practicable.



SEC. 35. *Be it further enacted*, That said board are authorized to establish and locate a sufficient number of public schools to be taught each year within said school district as shall meet the wants of population, whether for males or females, white or colored, and to perform all other duties necessary to the proper establishment, regulation and maintenance of such schools. and shall elect a principal who shall act as superintendent of said schools and who shall hold his office for three years. Such superintendent before entering upon the duties of his office shall take the oath of office prescribed by law, for such officers of the state and shall give bond with securities in such sum as may be fixed by said board of education and their successors, and conditioned as all other official bonds. Said bond shall be approved by said board of education and a certified copy thereof shall be filed with the state superintendent of education.

Authority of  
school board

Superinten-  
dent

SEC. 36. *Be it further enacted*, That said superintendent of public schools of the Alabama City school district may be removed at any time, either by said board of education or by the state superintendent of education, and when removed shall be ineligible to re-election during the time for which he was elected. All vacancies for the office of superintendent shall be filled by election by said board of education, at any regular or special meeting called for that purpose, and the person so elected shall hold for the unexpired term, and shall qualify as above required, the said superintendent shall be commissioned by the state superintendent of education, and he shall receive such compensation, to be paid out of the fund provided for in this act, as said board of education may fix. Said superintendent shall make full and complete reports to the said board of education, and to the state superintendent of education, and perform such other duties as are required by law of county superintendents of education, not inconsistent with this act; and also such other duties as said board of education may require not inconsistent with this act, and the general laws of the state.

SEC. 37. *Be it further enacted*, That the treasurer who shall be elected by the board of education, shall

Treasurer of  
board

before entering upon the duties of his office take the oath of office prescribed by law for all officers in this state, and shall give bond in such sum as may be fixed by the board of education, but to be for not less than double the amount of money which he may have in his hands at one time, and conditioned as all other official bonds. Such bonds shall be approved by the state superintendent of education, and filed in his office.

SEC. 38. *Be it further enacted*, That the treasurer of the board of education shall draw and distribute the public school fund in the same manner that the county superintendent of education draw and distribute the funds of their respective counties, and the amount thus drawn by said treasurer, shall be used exclusively for the maintenance of public schools in said district.

SEC. 39. *Be it further enacted*, That the treasurer of said board of education may be removed for cause, either by the board of education or by the state superintendent of education.

SEC. 40. *Be it further enacted*, That the children and wards of actual residents within said school district from seven to twenty-one years of age shall be entitled to seats as pupils in the public school of said district; *Provided*, such children shall themselves be bona fide residents of said district, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe ; but separate schools shall be provided and governed by the above rules for the colored children.

SEC. 41. *Be it further enacted*, That the Alabama City public school district shall receive its proportionate share of the public school revenue, including its pro rata share of the sixteenth section fund, and shall receive the poll tax collected as poll-taxes within the limits of said school district for the use and maintenance of the public schools therein, and the city council shall appropriate not exceeding ten per cent. of the gross revenues of Alabama City, exclusive of the funds otherwise provided, and pay over to the treasurer of the school board for the use and maintenance of said schools, and the purchase, erection, lease, repair and furnishing of school houses, and for the purchase and

Children entitled to seats

School funds

lease of lands on which to erect said school buildings in the same manner as county superintendent receives school funds. All moneys collected, received, appropriated or donated, by or for said school purposes pursuant to this act shall be paid over to the treasurer of the board of education and be kept by him and paid out only on warrant drawn in favor of the superintendent of public schools of said district.

SEC. 42. *Be it further enacted*, That a tax of one fourth of one per cent. in addition to the per cent. of tax levied by the state for state purposes, shall be levied by the tax assessor of Etowah county on all property taxed by the state within the limits of said district for public school purposes, and shall file such assessment with the treasurer of said district at the same time and manner he files his assessments for state and county taxes with the probate judge of Etowah county. And the tax collector of Etowah county shall collect said taxes in the manner as he collects the taxes for the state and county, and the same remedies shall be used and employed by him for collecting such taxes as are granted under the general law for collecting taxes for the state and county. The same power and jurisdiction as to this matter being granted and conferred on the probate judge, and probate court of Etowah county to issue execution and condemn property, as they have in collecting and enforcing liens for state taxes. And said tax assessor and collector shall be allowed the same rate of commission for assessing and collecting such taxes as are allowed for assessing and collecting state taxes. And said tax collector shall pay over said taxes as he collects them, to the said treasurer of said district, taking his receipt therefor, and the tax assessor and tax collector shall be required to make settlements for such taxes with the board of education of said district as they are required to make with the commissioners court of Etowah county for state and county taxes. And the same liability and remedies shall attach to their bonds for any default and dereliction of duty in this behalf as are given the state and county, on their bonds for like default and dereliction.

SEC. 43. *Be it further enacted*, That this act shall go into effect immediately on its passage.  
Approved February 16, 1891.

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AN ACT

[s. 446

To amend section two of an act entitled "An act to amend the charter of the Stonewall Insurance Company; of Mobile, and extend the provisions thereof," approved February 17th, 1885.

Charter  
amended

Powers

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act entitled "An act to amend the charter of the Stonewall Insurance Company, of Mobile, and extend the provisions thereof," approved February 17th, 1885. be and the same is hereby amended so as to read as follows: Section 2. *Be it further enacted*, That said company shall have power and authority in its corporate name to sue and be sued, to have a common seal and to alter the same at pleasure; to hold, purchase, convey and dispose of all kinds of estate, real and personal; to receive, accept, constitute and appoint agencies at their pleasure; to appoint such subordinate officers, clerks and employees as in the opinion of its board of directors may be necessary or proper for the transaction of its business; to prescribe their duties and fix their compensation; to make by-laws for the government of the company not inconsistent with the laws of this state or the United States; to provide for the transfer of its stock, the management of its property and affairs and to alter and amend such by-laws and regulations at pleasure; to make notes and draw bills; to discount bills of exchange and promissory notes, or buy and sell the same; to endorse and transfer its bills receivable; to buy and sell gold and silver coin or bullion; to receive deposits on trust; to borrow money; to use its money, whether arising from capital or earnings, in lending out the same at interest on such security as it may think proper; to loan its surplus funds on any capital stock of incorporated companies or on obligations of this state or

of the United States or on notes or bonds secured by mortgage on real estate worth at least double the amount of such loans; to invest its money in stocks of any incorporated companies of this state as stockholders thereof, and generally to do all things necessary to carry into effect the express powers hereby granted.

Approved February 16, 1891.

373]

AN ACT

[s. 219

To amend the charter of the city of Greenville, and the various acts amendatory thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act entitled an act "To incorporate the city of Greenville, approved March 9th, 1871," be amended, and as amended re-enacted so as to read as follows: Section 2. Be it further enacted, That said city shall consist of and include all the tracts, lots and parcels of lands which are included in the following boundaries, to-wit: All of sections thirteen, fourteen, twenty three and twenty-four, township ten, range fourteen; also the following lands in section twenty-two, township ten, range fourteen, to wit: Commencing at the southwest corner of section twenty-three, township ten, range fourteen thence west, 449 yards; thence north one mile; thence east 449 yards to the present city limits. Boundaries

SEC. 2. *Be it further enacted*, That section 7 of an act entitled an act "To incorporate the city of Greenville, approved March 9th, 1871," be amended so as to read as follows: Sec. 7. Be it further enacted, That the said city council shall have power and authority to pass all such by-laws as may be deemed necessary and proper for its government, not inconsistent with the laws of the state, and the same to alter and repeal when they may deem necessary; and shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to prevent all contagious diseases from being introduced or kept in said city, and to preserve the health of Power of city council

## Powers

its inhabitants; to prevent and remove all nuisances at the expense of the person causing the same or upon whose property it may be found; to license, tax, regulate or restrain all shows, theatrical amusements, exhibitions and lectures; to prohibit and suppress gaming and gaming houses and houses of ill fame within said city; to appoint night and day watches and captains of the same; to make, alter and ascertain new streets and alleys; to clean and keep in repair streets and alleys; to establish necessary inspections; to erect and regulate markets and fix the assize of bread; to erect public scale houses, with proper scales, weights and measures; to weigh and measure in case of disagreement between buyer and seller; to license and regulate wagons, carts and drays, hacks and carriages running in said city for hire, and to control and regulate slaughter houses and to confine same within specified limits of said city; to provide for lighting the streets of said city and to provide for the payment and expenses of same, and to condemn private property for public use of said city in accordance with the constitution of Alabama; to control the use of public streams within said city; to establish or purchase and maintain water works, or contract for the furnishing of water for fire protection for the use of said city and citizens, and to regulate the manner and rates of furnishing said water to private consumers; to establish and maintain a fire department, and to regulate same; to establish or purchase and maintain gas and electric works, or contract for furnishing of gas and electricity for supplying the city and its inhabitants, and regulate the manner and rate of furnishing of gas and electric lights to private consumers; to compel the owners or tenants of property to keep the sidewalks in front of such property clean and in repair, and to prescribe the kind of pavement to be laid, and to compel the laying of the kind of pavement prescribed in the streets, sidewalks and public places of said city at the expense of the property owner, and to condemn buildings and verandas and parts thereof which are dangerous and insecure, and to tear down the same when the owner, after notice, fails to do so, and to regulate the erection of signs, veran-



das and awnings. The city council shall have the power to repair or pave sidewalks, the owner failing to repair or pave same in accordance with said council orders, after such notice as may be prescribed by ordinance, at the cost of the owner, and assess the cost thereof against the adjacent property, which assessment shall have a lien of and be enforced and collected as city taxes are assessed and collected, and generally to pass such by-laws and ordinances not contrary to the laws of the state as said council may deem necessary and proper to carry into effect the true intent and meaning of this act, and the same to enforce, alter and repeal; *Provided*, that no purchase of real or personal estate or sale or mortgage of the same above the amount of one thousand dollars made by said mayor and councilmen, shall hold good and valid without a ratification of the same by a majority of the citizens entitled to vote in said city and voting at a special balloting held for the same.

Paving side  
walk

Purchase or  
mortgage of  
real estate

SEC. 3. *Be it further enacted*, That the said city council shall have power and authority to levy and collect annually the following license in addition to the power and authority already given them to levy, assess and collect taxes and license, as follows: On every cart, dray, wagon or other vehicle used for the transportation of goods and commodities within the limits of said city, for hire, when drawn by one animal, a license not exceeding ten dollars, when drawn by two animals, a license not exceeding twenty dollars; on express companies doing business within said city, a license not exceeding one hundred dollars; railroad companies, a license not exceeding two hundred and fifty dollars; telegraph companies, a license not exceeding fifty dollars; lumber and coal dealers, a license not exceeding twenty-five dollars; banks and bankers, a license not exceeding one hundred dollars; local commercial brokers, a license not exceeding fifty dollars each; grist mills or gins, or both in one, a license not exceeding fifty dollars; street drummers, a license not exceeding fifteen dollars each; livery and sale stables, a license not exceeding twenty-five dollars; hotels and boarding houses, a license not exceeding 5 per cent. on its annual rental value; restaurants, a license not ex-

License tax

## License tax

ceeding ten dollars; coffee and eating houses, a license not exceeding five dollars; ice cream saloons and soda founts, a license not exceeding five dollars; printing offices or newspaper publishers, a license not exceeding fifty dollars; sewing machine agents or agencies, a license not exceeding fifty dollars; keeping studs or jacks, a license not exceeding ten dollars; steam saw-mills, a license not exceeding one hundred dollars; bakers, a license not exceeding ten dollars; tailors, a license not exceeding ten dollars; dealers in wagons, buggies and carriages, a license not exceeding twenty dollars, except when run in connection with other business, and then no extra license; photographers, a license not exceeding twenty-five dollars; one-horse hacks, a license not exceeding five dollars; two-horse hacks, a license not exceeding ten dollars; itinerant peddlers, a license not exceeding fifty dollars; agents of merchant tailors, a license not exceeding twenty dollars; merchants, store-keepers and druggists, a license not exceeding twenty-five dollars; *Provided*, that when such druggists or merchants have a stock not exceeding one thousand dollars in value and less than five hundred dollars, the license shall not exceed ten dollars, and if such stock is less than five hundred dollars, the license shall not exceed five dollars; lightning rod agents or dealers, a license not exceeding twenty-five dollars; fruit tree agents or dealers, a license not exceeding twenty dollars; hawkers or medicine venders, a license not exceeding one hundred dollars; transient venders of pictures, or paintings, a license not exceeding twenty-five dollars; oil agents or agencies, a license not exceeding fifty dollars; flying jennies, knife-racks, cane-racks or shooting galleries, a license not exceeding ten dollars per month each; practicing physicians, a license not exceeding twenty-five dollars; practicing lawyers, a license not exceeding twenty five dollars; dentists, a license not exceeding twenty-five dollars; clock peddlers, a license not exceeding twenty-five dollars; skating rink, a license not exceeding five dollars; ice dealers, a license not exceeding five dollars; public scales, a license not exceeding five dollars. But no milliners or millinery establishment shall be liable to pay any license tax.

Approved February 16, 1891.

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## AN ACT

[s. 344

To incorporate the Mobile Transportation Company,  
and to define the powers of said Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Robert R. Warren, A. S. Benn, J. F. Maury, L. B. Musgrove, and William G. Warren, and their associates, be, and they are hereby constituted a body politic and corporate by the name of the Mobile Transportation Company, and by that name, or Name, rights,  
etc by such other as the stockholders, after their organization, may adopt, are hereby authorized to sue and be sued; to make a common seal, the same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase for investment or development, and to have and enjoy and secure its franchises within the State of Alabama, or within any other state that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation not contrary to the laws of this state; and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the full carrying out of the objects and purposes of this act.

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate, Route construct, alter, maintain and operate a railroad with one or more lines of track, from the city of Mobile to any point on the bay of Mobile, or Gulf coast, or both, and to build such railroads through the city of Mobile, with the right from time to time to connect by branches, switches, or tracks with other railroads now existing or hereafter to exist, in or near the city of Mobile, by a belt line or otherwise; and also to build branch lines or (spur) tracks to any mill, factory, wharf, or warehouse; that said company may build bridges, trestles, wharves, piers to reach deep water in said bay of Mobile, or in Mobile river, or in the Gulf of Mexico,

and may also construct in such waters such fenders or breakwaters as may be necessary to provide a safe and comfortable berth or anchorage for vessels loading or unloading at such piers or wharves, and may also dredge out any canal, waterway, or basin in order to improve the anchorage or mooring grounds at, or the approaches to, such piers or wharves; *Provided*, that said company shall not be permitted to occupy any of the streets of the city of Mobile for their tracks without first having obtained permission of the city authorities so to do.

Right-of-way      SEC. 3. *Be it further enacted*, That for the purpose of constructing said railroads and branches the said company is hereby authorized to lay out the same, not exceeding one hundred and fifty feet in width, and for the purpose of depots, machine shops, warehouses, enginehouses, water stations, car sheds, or chutes, eating houses, car or depot yards, wharves, piers, docks or other structures necessary or convenient for the business of the company, and for the purpose of cuttings, embankments, and for switches connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber or other materials, or for the purpose of protecting its structures, may take as much more land as the necessities of said company may from time to time require for the use, construction, maintenance and protection of such railroad and structures, or for the extension of their lines and facilities; *Provided*, that no such property shall be taken or applied unless just compensation to the owner shall be first made as required by the laws of this state, to be determined as hereinafter provided, or in any lawful manner, but said company may previously enter upon any land or property for the purpose of surveying, locating and laying out its said railroads and structures; *Provided*, that said company may lease, for a term not exceeding one hundred years, any terminal or depot facilities, or easements owned by any other person or corporation, and such person or corporation is hereby authorized to make such lease for such term, or said company may sell to or exchange with any other company any easement procured or owned by it when found to its advantage so to do.

SEC. 4. *Be it further enacted*, That said company may in lieu of constructing any portion or its lines or branches, purchase or acquire by lease for a term not exceeding one hundred years, the road bed of any other railroad, or any portion of such other railroads whose line may be located in whole or in part along the line of its proposed railroad or branches; or the said company may, for the purpose of making through lines, make common stock or traffic arrangements or contracts for a joint use of tracks, or any other lawful contract whereby it may sell or lease, as aforesaid, to or from such other company, any or all of its said railroad or branches and the franchises thereof, and such other company is hereby authorized to make and enter into any such contract; and the said Mobile Transportation Company shall have and enjoy all the franchises of any railroad or part of railroad, so purchased or leased by it in addition to the franchises in this charter conferred.

Contracts  
with other  
companies

SEC. 5. *Be it further enacted*, That there is hereby granted to the said Mobile Transportation Company, its successors and assigns, from any of the lands belonging to this state along the route of said railroad or branches a strip of land one hundred feet in width, being fifty feet on each side of the center line of said railroad, with the right to take adjacent thereto as much more of said land as may be necessary for cuttings or embankments, or for material in constructing the road bed, and not exceeding two acres in any one case, where taken for the purpose of establishing thereon depot facilities at the regular stopping places.

Right-of-  
way

SEC. 6. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location, or wherever the topography of the locality may require, the said railroad company may cross or build along the right-of-way of any other railroad for a consecutive distance, of not exceeding in any one case one mile; and the said railroad may be built across, or on and along, any of the highways or public roads of the country, or across or along the streets of the city of Mobile which may lie in its route, and through which it may be necessary to pass, or across any of the navigable waters along the line of its route; *Provided*,

Along line of  
other roads

that the said highways, roads and streets shall, after the construction of said railroad thereon or thereover, be restored to as good a condition as practicable; *And provided*, that in crossing Dog river, the said company shall be required to put in a draw span having a capacity of not less than fifty feet; and in crossing the channel of Fowl river, the said company shall be required to place thereover a stationary span of not less than thirty feet between piers and not less than twelve feet above mean low tide; *Provided further*, that in case any portion of the right-of-way of any other railroad shall be taken, the same shall be condemned under the forms of law as now provided; and the consent of the city of Mobile shall be first had and obtained to the use of the streets of the said city for such right-of-way before the same shall be so used and occupied; and the municipal authorities of the city of Mobile, or of any other incorporated town along the line of said road, are hereby authorized to grant the privilege of inclosing any street for the purpose of providing depot grounds or car yards.

Capital stock

SEC. 7. *Be it further enacted*, That the capital stock of said company shall be four millions of dollars, but may be increased or diminished by a vote of a majority of the stockholders represented at any stockholders meeting called for the purpose, giving thirty days notice as provided by law; and said company may commence operations whenever as much as one hundred thousand dollars of its capital stock shall be subscribed, *bona fide*, in money, labor, or property and two per cent. thereof paid in. The capital stock of said company shall be divided into shares of one hundred dollars each, which shall be deemed personal property and may be transferred in such manner as the by-laws of said company may direct.

May own  
Steamships,  
etc

SEC. 8. *Be it further enacted*, That said company may construct, purchase or lease and own and operate lines of steamships, steamboats, or other vessel or watercraft, within or without this state or the United States, in connection with its railroads, for the purpose of transporting coal, iron and other products to or from the markets of the world; or they may make joint stock or otherwise consolidate or make any lawful working con-



tract with any line of steamboats, steamships or vessels for the purpose aforesaid.

SEC. 9. *Be it further enacted*, That said company is hereby authorized to receive aid, credit or assistance from any other railroad company, or from any steamship company, foreign or domestic, as well by the guarantee, endorsement or purchase of its securities by such other corporation, or by the guarantee of rentals under lease, or by a loan or other proper method; and such other railroad company, steamship company or transportation company, for its part, is hereby authorized to extend such aid or credit, and such guarantee or other contract shall bind both parties thereto according to its terms; and the said company is also authorized to own shares of the capital stock of any other corporation engaged in the transportation of passengers and property by land or water, and as to all stock so held by them, they shall exercise, have and enjoy all the powers, privileges or rights vested in or appertaining or belonging to any individual stockholder of such corporation.

Contracts  
with other  
companies

SEC. 10. *Be it further enacted*, That the corporate power of said company shall be vested in a board of directors of not less than five nor more than eleven, as shall from time to time be fixed by the by-laws adopted by the stockholders of said company, and in such other officers and agents as said directors shall appoint or authorize. The board of directors shall consist of stockholders annually chosen by the stockholders of said company. All stockholders may vote by proxy as may be prescribed by the by-laws, and shall be entitled to vote according to the number of shares held by each one respectively. A majority of the directors shall be a quorum for the transaction of business, and shall have power to fill any vacancy occurring in the board by the death, resignation or disability of any member. The board shall elect annually a secretary and treasurer, who shall give bond as required by said board, and may elect such other executive officers as the necessity of the company may require. Said board of directors shall also have the power to require to be paid the sums subscribed by the stockholders in such manner and at such times as it may deem proper, and on

Board of di-  
rectors

Board of di-  
rectors

the refusal or neglect on the part of any stockholder to pay such installments, the shares of such delinquent may, after thirty days notice, be sold at public auction under such rules as the directors may previously prescribe. The surplus, if any, from the proceeds of sale after the payment of the balance due and the expenses of such sale, shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting, by proper proceedings at law, the amount due on any subscription. The board of directors shall hold their meetings at such times and places as shall from time to time be fixed by the by-laws, but all stockholders meetings for the election of a board of directors shall be held in the city of Mobile. The failure to elect a board of directors on the day appointed by the by-laws shall not work a forfeiture of the company, but a meeting may be called by the president or board of directors, or by stockholders of the company representing one-fifth of the capital stock of said company, or upon the written application of three members of the board of directors at any subsequent day; such meeting may be called by advertisement on the part of the persons or officers calling the same.

Books of  
subscription

SEC. 11. *Be it further enacted*, That after ten days notice given by the publication in some newspaper published in the city of Mobile by any three of the corporators named in the first section of this act, the said corporators or a majority of them, shall assemble in the city of Mobile, either in person or by proxy, and shall arrange to open books of subscription to the capital stock of said company in such manner as they shall see fit.

Payment of  
subscriptions

SEC. 12. *Be it further enacted*, That subscriptions to the capital stock of this company shall be payable in money, labor, or property, at their money value, to be named in the lists of subscription, and in the event of a failure to perform the labor or other service and to deliver the property according to the terms of the subscription, the subscribers shall be bound to pay the amount named in the subscription list in money.

SEC. 13. *Be it further enacted*, That when one hundred thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers the board of corporators shall call the subscribers together by notice given in such manner as they may direct for the purpose of organization, and a majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by electing from among the stockholders themselves not less than five nor more than seven directors, to manage the affairs and business of the company for the ensuing twelve months, or until their successors are duly elected and qualified. Organizati'n

SEC. 14. *Be it further enacted*, That upon the organization of the company, the board of incorporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, lists, notes, obligations and other papers taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations and other papers, shall be the property of the company, and shall be as binding on the company as if taken and made by itself. Property  
turned over  
to directors

SEC. 15. *Be it further enacted*, That said company is hereby authorized to take, purchase, hold and use the real estate as named by the preceding sections of this act, and may by its agents, officers, surveyors, engineers and servants, enter upon all lands and tenements through and upon which the company may deem it necessary to make the road and improvements, and to survey, locate and contract for the land or right-of-way with the owners, upon which it proposes to make improvements, or to build the railroad. In case the lands belong to the estate of any deceased person, then the contract may be made with the executor or administrator of such, or in case the same belong to a person not *sui juris*, then with his guardian, or in case the lands be held by trustees of school sections, or other trustees of estate, then with such trustees, and the executors, administrators, guardians and trustees are declared competent for such estate or minors, to contract with the company for the right to Right-of-  
way

use, occupy and possess the lands of such estates, minors, or trustees, so far as may be useful or necessary for the construction, maintenance and operation of the railroad, and the act and deed of such executors, administrators, guardians and trustees, in relation thereto, shall pass the titles in the lands in the same manner as if the deed or act was made or done by the legal owner of full age; and such executor, guardian or trustee shall account to those interested upon their respective bonds for the amounts paid him for them in pursuance of such agreements or composition, or of the company or any parties representing the lands prefer they may refer the question of compensation to arbitrators mutually chosen, whose award, or that of the umpire in case of disagreement, shall vest title according to its terms.

When owner  
and company  
cannot agree

SEC. 16. *Be it further enacted*, That if the company cannot agree with the owner of any of the lands as above provided, concerning the transfer of the title to the company, or with the executor, as provided in the preceding section; or if the owner of the land is unknown or incapable of acting, or refuse to treat on the subject, or lives out of the state, the probate judge of the county in which any of the lands are situated, on the written application of the company or its authorized agent or attorney, is required to give notice to the parties in interest of the filing of the application, and also the day and the date the commissioners of award will meet on the premises as described in their petition, to settle and determine the compensation to be paid by the railroad company for the use and occupancy of the premises above stated. If the person on whom such notice is to be served resides in this state, and is not an infant, idiot or person of unsound mind, service of a copy of the petition or application and notice shall be made on him, his agent or attorney, authorized to contract for the real estate described in the application or petition, personally, or by leaving the same at the usual place of residence of the person on whom such service must be made; or if the person lives out of the state, and has an agent in this state, authorized to contract as above, then upon him in the manner above

stated, or if the person having control of the land is an executor, guardian, or trustee, and lives in this state, service may be made on him as above stated in this section; or if the person owning, controlling or interested in the land is unknown or has no agent in or lives outside of this state, then in all such cases, and in all other cases unprovided for in this section, the probate judge shall give notice in some newspaper published in the county, for three successive weeks or by posting such notice at the court house door for a like period, if there is no paper published in the county, and by forwarding to the postoffice of the county of such non-resident or agent, if known, notice of the application and time of meeting of the commissioners of award, as aforesaid, and shall appoint some competent agent or attorney to represent all such parties, to be paid for his services out of the award made by the commissioners, not exceeding three dollars per day for the time he may be actually engaged in the examination of the premises and about making the award.

SEC. 17. *Be it further enacted*, That upon the filing of the application, the probate judge of the county shall appoint not less than five nor more than seven persons as commissioners of award, possessing the qualifications prescribed by law for jurors, who shall upon the day appointed by the probate judge, go upon the premises, and take and subscribe before some officer authorized by law to administer oaths in this state, the following oath, to-wit: you and each of you do solemnly swear (or affirm as the case may be) that you will well and truly try the case now pending and submitted to your decision between ..... railroad company, complainant, and A. B., claimant, and that you are neither directly nor indirectly interested in the issues to be tried, and that you have no bias or prejudice resting on your mind for or against either of the parties, and that you will render such compensation to the defendant as to you shall seem just and proper in the premises, so help you God. A majority of the commissioners being present and not disqualified from acting from any legal cause, they shall proceed to organize themselves into a commission by electing a foreman from among themselves. If any commissioner

Comm'rs of  
award

Comm'rs of  
award

fails to appear on the day appointed, or is disqualified from acting from any legal cause, his place may be filled by agreement between the parties in interest, or they may consent in writing that those present and not disqualified may act, but if they fail to agree, the foreman shall appoint some one from among the bystanders who is properly qualified to serve in the place of such disqualified or absent commissioner, and the commission being fully and properly organized they shall proceed to examine the premises in person, and shall examine under oath, which they are authorized to administer, all such witnesses as may be produced by the parties; issue subpoenas for witnesses; adjourn their meetings from time to time, and do all things necessary and lawful to enable them to arrive at a fair and just compensation to be paid for the damages actually done or to be done to the owner of any of the lands by the building of the railroad. The foreman shall preside at the deliberations of the commission. The finding and award shall be that of the whole commission, and shall be signed by each of them, and they shall be returned by the foreman to the probate judge of the county, and placed among the records; and upon the depositing by the railroad company with the probate judge the amount of the award of the commissioners, together with the costs of such commission, the company shall be fully authorized to go upon and take possession of the land, and construct its railroad and improvements on the same, and if after sixty days from the date of the award of the commission, no appeal is taken by either party, the probate judge is required to issue and deliver to the company on the payment to him of the award and costs of the commission as above, a deed or instrument in pursuance of and in accordance with the privileges and award of the commissioners, giving it the right to take, hold, use and occupy the lands forever for the purpose of the railroad, and forbidding any and all parties from interfering in any manner, or disturbing its possession of the same, or that of its legal assigns. An appeal may be taken by either party upon giving security for the costs of the appeal, within thirty days, to the circuit court of the county wherein said award was made, in

Appeal



which case the cause shall be tried by a jury, if either party demands it, and shall be tried *de novo* and the court shall render judgment upon the verdict of the jury according to law. If the party appealing fails to secure a more favorable judgment in the upper court than was awarded to or against such party in the lower court, such appellant shall pay the costs of the appeal. An appeal shall lie from the decision of the circuit court to the supreme court, if applied for at any time within sixty days from the rendition of the judgment, upon giving security for costs as in other cases of appeal from said court. The work of surveying, constructing and operating the railroad, and making the improvements, shall in no wise be hindered or impeded by these proceedings after the commissioners have made their award and the company has deposited with the probate judge the amount of the award and the costs of the commission. If upon appearing upon final decree the amount deposited with the probate judge is less than the amount of the final decree, the railroad company shall make good the deficit for which execution shall issue in favor of the defendant, but if less than the deposit originally made by the company, the probate judge shall refund the amount to the railroad company, and issue to them a deed or instrument of writing, conveying title according to the terms of the final decree, and in the proceedings before the probate court, the said company may embrace in its application the lands of more than one person, and the same commission of award may, at the same time, consider the damage of such several persons, but shall render separate awards as to the lands of each particular party. For services rendered in any proceedings under this section, the commissioners of award shall each be allowed two dollars per day, for their services, and witnesses duly subpoenaed and in attendance shall be allowed the same fees as is allowed in trials before justices of the peace. For serving notices or subpoenas the same fees shall be allowed to the sheriff or constable, as the case may be, as are allowed for like services to such officers, respectively, in other cases. There shall be paid to the probate judge for his services the following fees: For the filing of each petition,

Pay of Commissioners

Fees of judge  
of probate

one dollar; for the appointing of each commissioner of award, two dollars; for the issuance of each notice to the owner of lands, one dollar and a half; for the publication of notice to non-residents, one dollar and a half and the cost of the advertisement; for filing and recording the award of the commission, two dollars; for preparing and certifying transcript of appeal, the usual fees allowed for appeals from the probate court; for filing applications for appeal and approving bond for costs, one dollar and a half. All costs incurred in the probate court or before the commission of award, except the costs of appeal, shall be paid by the petitioner, and such petitioner shall be required to give security for costs at the same time of filing said petition, or on the order of the probate judge thereafter made.

Record of  
proceedings

SEC. 18. *Be it further enacted*, That a record of the petition and the proceedings thereon had in the probate court, shall be made in separate books kept for the purpose, in which may also be recorded the record and proceedings in behalf of any other railroad company. In all cases of condemnation of lands for the benefit of railroad companies organized under this article, where there are two or more claimants to any money deposited with the probate judge of the county, the rights of the parties to any or all such, shall be determined by law. But in no event shall the railroad company be disturbed in the use and occupancy of any land regularly condemned to its use under the provisions of this article, after it has deposited with the probate judge the amount of the award and costs.

May acquire  
land as  
needed

SEC. 19. *Be it further enacted*, That said company shall not be required to condemn and appropriate in the first instance all property which is needful for it in the future development of its business, but may, in the construction of its railroad, and from time to time as the necessities and convenience shall require, appropriate and acquire upon paying just compensation therefor as herein provided, such additional property as may be necessary or convenient; *And provided further*, that said company may, if it deem best in any case, resort to the provisions of article 2, chapter 15, title 2, part 3, of the revised code of 1886, or any other legal

method for the assessment of damages for property taken by it for railroad purposes in lien of the provisions of this act.

SEC. 20. *Be it further enacted*, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds or other evidences of debt, and by a vote of a majority of its stock had at a meeting called for the purpose by a notice in some newspaper published in the city of Mobile for thirty days, may secure the payment of such notes, bonds or other evidences of debt by a mortgage or deed of trust on any or all of its property, both real and personal. May borrow money

SEC. 21. *Be it further enacted*, That said railroad company may construct and operate a telegraph line or lines in and along and upon any and all portions of right-of-way of its main line and branches, both for its own use or for doing a public telegraph business; but said company shall not be compelled to do a telegraph business on its said line or at any particular station thereon, unless it so desire; *and provided*, that the right to construct such telegraph or telephone line shall not prevent any other person, persons or corporation from constructing similar lines of telegraph or telephone lines along such right-of-way, upon making just compensation as now provided by law. Telegraph

SEC. 22. *Be it further enacted*, That said railroad company may enclose any passenger platform or depot owned or used by it alone or jointly with other railroad; and may, with or without such enclosure, in conjunction with any other railroad company which may be the owner of such depot used by said Mobile Transportation Company, make and enforce regulations excluding any person or all persons from such platform or depot, excepting passengers and their escorts, public officers in the discharge of their duty, and such agents or servants of the regular transfer line at said place, as said company may think necessary to facilitate the handling of baggage and mail and the accommodation of passengers; *Provided*, that any of the above excepted persons may be also excluded if such person behave in a noisy, boisterous or rude manner, or is drunk. Enclosure of depots

## Contract

SEC. 23. *Be it further enacted*, That any license, privilege or grant made to said Transportation Company by the city of Mobile or other municipal authority, under the provisions of this act, or under the charter powers of such municipality, shall, when accepted by said company, be in the nature of a contract, subject to alteration or amendment or repeal only by the consent of both parties thereto.

Exchange or transfer

SEC. 24. *Be it further enacted*, That the said company is authorized to make any contract for exchange with, or contract of transfer of any depot properties, wharves, tracks, easements or privileges to or from any other railroad company in the city or county of Mobile, which may be for the mutual convenience of said contracting companies.

## Laws in conflict repealed

SEC. 25. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 16, 1891.

375]

AN ACT

[s. 406

For the relief of James E. Kennedy, sheriff of Dallas  
county.

## Preamble

Whereas, James E. Kennedy, sheriff of Dallas county, did on the 19th day of August, 1889, remove John Mann, a prisoner, from Newcastle, in Jefferson county, Alabama, to the jail in Dallas county, in which county he was triable, at an expense of twenty-six and 50-100 dollars; and

Whereas, The said Kennedy, as sheriff of Dallas county, did on the 21st day of February, 1889, remove Charlie Tyler, a prisoner who was in the custody of the sheriff of said Jefferson county, to jail of Dallas county, in which county he was triable, at the expense of twenty-four dollars; and

Whereas, The said Kennedy, as sheriff of Dallas county, did remove Robert Nall, a prisoner who was confined at Coalburg, in Jefferson county, Alabama, to

the jail of Dallas county, in which county he was triable, at the expense of twenty-six 50-100 dollars; and

*Whereas*, Said removals were made by said Kennedy by the written orders of the probate judge of Dallas county, and the written orders of the judge of the city court of Selma; and

*Whereas*, The auditor has rejected said accounts because said removals were not from the jail of Jefferson county; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor is hereby authorized and required to draw his warrant on the state treasurer in favor of the said James E. Kennedy for the sum of seventy-seven dollars, covering the amount expended by said Kennedy in the removal of the prisoners above named, and the treasurer is hereby required to pay such warrant out of any moneys in the treasury not otherwise appropriated. Appropriation

Approved February 16, 1891.

376]

AN ACT

[s. 181

To amend section 4078 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4078 of the code be, and the same is hereby amended so as to read as follows: 4078 (4244). *Practicing medicine or surgery without certificate of qualification; fine.*—Any person practicing medicine or surgery in this state without having first obtained a certificate of qualification from one of the authorized boards of medical examiners of this state shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars, nor more than one hundred dollars; *Provided*, That this act shall not apply to any doctors or physicians now practicing medicine in Alabama who are graduates of a respectable medical college, and have complied with the law by having their diplomas recorded by the judge of probate in the county in which they may be practicing medicine; and this act shall Practicing medicine without certificate Penalty Exceptions

not apply to any physician who has practiced medicine in this state for the past five years.

Approved February 18, 1891.

377]

AN ACT

[s. 323

To extend the police power and jurisdiction of the city of Birmingham over and about the Fair Grounds in the vicinity of said city, in the county of Jefferson, known as the Fair Grounds of the Birmingham Fair Association, and to empower the corporate authorities of said city to authorize, regulate and license any business on said Fair Grounds during the holding of any fair, exposition or races, that may be authorized, regulated or licensed by said city within the corporate limits thereof.

Fair grounds  
within police  
jurisdiction

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the city of Birmingham shall have and exercise all the police powers and jurisdiction conferred by the charter of said city, day and night, over and upon the Fair Grounds, in the vicinity of said city, in the county of Jefferson, known as the Fair Grounds of the Birmingham Fair Association, and around said Fair Grounds within the limits of one hundred and fifty feet from the boundary lines thereof, and may authorize, regulate and license any business on said grounds within the inclosures thereof during the holding of any fair, exposition or races that may be authorized, regulated or licensed by said city within the corporate limits thereof; *Provided,* that no revenue arising from the issuance of any license shall inure to the benefit of the city of Birmingham, but to go as now provided by law.

Power to  
punish  
offences

SEC. 2. *Be it further enacted,* That the city of Birmingham, through its corporate authorities, shall have power to punish all offenses committed upon said Fair Grounds, or within one hundred and fifty feet of the boundary lines thereof, during the holding of any fair, exposition or races the same as if such offenses



had been committed within the corporate limits of said city.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed, in so far as they conflict with the provisions of this act. Laws in conflict repealed

Approved February 16, 1891.

378]

AN ACT

[s. 90

For the relief of C. D. Martin and others.

*Whereas*, M. C. Burke, as auditor of the State of Alabama, ordered the assessment of certain lands in Calhoun county by the assessors thereof, for the years 1881-'2-'3-'4-'5-'6 and for previous years; and,

*Whereas*, said lands were sold by the tax collector of said county under the decree of the probate judge of said county, as required by law, and whereas at the sale of said lands for taxes, C. D. Martin, S. D. G. Brothers, R. P. Thomason, W. W. Whiteside, Walter Dean and R. B. Kelly became the purchasers of said lands for the sum of \$657.76 (six hundred and fifty-seven 76-100 dollars) and whereas it was afterwards ascertained that the lands so assessed and sold were lands the title to which was in the State of Alabama as trustee of the Selma, Rome and Dalton R. R. Co., and, Preamble

*Whereas*, since said sale, said lands have by order of the Secretary of the Interior, been restored to the general government, and whereas, the county of Calhoun has heretofore refunded the sum of three hundred and three 53-100 dollars, being the amount of the taxes on said lands due and collected by the county; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor is hereby authorized and required to draw his warrant upon the treasurer for the sum of three hundred and fifty-four 23-100 dollars in favor of C. D. Martin and his associates in full satisfaction of their claim against the State of Alabama, for Appropriation

moneys paid out by them on lands as herein above stated.

Approved February 16th, 1891.

379]

AN ACT

[s. 471

To require the money paid by all persons for state and county license in Walker county, to retail liquor in the year 1889, to be refunded to such persons or their legal representative when the use of such license was prevented by prohibitory acts of the legislature.

Preamble

*Whereas*, One or more persons living in Walker county in the beginning of the year 1889, paid out certain money, for state and county license to retail liquor in the said county of Walker; and,

*Whereas*, soon after said licenses were paid for as aforesaid, the licensees, were prevented from doing business under the same by prohibitory acts of the legislature passed in the early session of 1889, now therefore,

To be  
refunded

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That so much money as may be necessary is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to refund to the different person or persons, who paid state license to retail liquors in the county of Walker. in the year 1889, and who were prevented from using the same, by prohibitory acts of the legislature.

Auditor's  
warrant

SEC. 2. *Be it further enacted*, That upon proof, satisfactory to the state auditor being made, the said auditor shall draw his warrant or warrants on the state treasury, in favor of the persons mentioned in the preamble and preceding section of this act or their personal representative, which must be paid out of any money in the treasury not otherwise appropriated.

Warrants on  
treasurer of  
Walker  
county

SEC. 3. *Be it further enacted*, That upon satisfactory proof being made to the board of county commissioners or board of revenue for Walker county, of any money paid out by person or persons for license to retail liquor in the said county of Walker for the year

1889, and which said persons were prevented from using the same by prohibitory acts of the legislature, the said court or county commissioners or board of revenue, shall draw their warrants on the county treasurer of the said county of Walker, in favor of the person or persons mentioned in the preamble and section one of this act, and which warrant must be paid out of any money in the county treasury not otherwise appropriated.

SEC. 4. *Be it further enacted*, That the time between the 1st day of January, and the date of the approval of the prohibitory act shall be computed as a part of the time during which such license was used (if any liquors were sold under the same,) and a *pro rata* share of the amount repaid as license under this act shall be deducted from the amount so repaid by the state and county under the provisions of this bill.

Deduct for  
time license  
was used

Approved February 16, 1891.

380]

AN ACT

[§. 274

To legalize the marriage of James H. Hafley and Sarah A. Hafley, citizens of the county of Limestone, State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the marriage of James H. Hafley and Sarah A. Hafley, citizens of the county of Limestone, Alabama, is hereby in all respects legalized, and the marriage of said parties has all and the same effect as if said parties had been legally married before the passage of this act.

Marriage  
legalized

Approved February 16, 1891.

To establish and provide for the maintenance of a quarantine by improved methods, against the introduction of yellow fever and other infectious and contagious diseases in the State of Alabama.

Quarantine

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the probate judge of Baldwin county, the president of the board of revenue and road commissioners of Mobile county, the mayor of the city of Mobile, the health officer of the city of Mobile, the president of the chamber of commerce of Mobile, the president of the medical association of Mobile, and a person to be selected by the county commissioners of Baldwin county, as health officer of that county, and their successors in office shall *virtute officii* constitute a quarantine and health board to be known and designated as the "Quarantine Board of Mobile bay," and in case any of said offices shall become vacant by any cause, or shall be abolished, the remaining officers so designated shall constitute such board, and exercise all the powers thereof.

Organization  
of board

SEC. 2. *Be it further enacted*, That it shall be the duty of the persons designated in the foregoing section to assemble in the city of Mobile, which shall be the headquarters of said board within thirty days after the passage of this act, and to then organize by the election of a president, vice-president, secretary and health officer of said board, said board being hereby authorized to elect from time to time thereafter such officers as may be necessary for carrying out the purposes of this act. The president and vice-president shall, and any of the other officers above designated may, be members of said board, and a majority of said board shall be a quorum for the purpose of organization or transaction of business. The failure of said board to organize within said time shall not prevent a subsequent organization thereof.

Site for  
quarantine  
plant

SEC. 3. *Be it further enacted*, That it shall be the duty of said board to select a site for the erection of a modern and approved quarantine plant at some suitable place at or near the entrance to Mobile bay, either

on the shore or in the waters of said bay, which shall be approved in writing by the governor of the state, before the location of the quarantine plant thereat; and in case said site shall belong to private persons or corporations, the said board by proceedings in its name, may condemn the said site or such use or easement therein as may be needed, to the uses and purposes of such quarantine plant; *Provided*, that a just compensation shall be first paid to the owner of said site, the same to be determined in manner and form as provided by law for the condemnation of private property for public use, and in case any appeal shall be taken from the preliminary assessment of damages, upon tender to the owner, or payment of the award of damages into court, the said board shall have the right to take possession of such site and proceed with the erection of said plant pending such appeal.

SEC. 4. *Be it further enacted* That it shall be the duty of the said board with the means by this act appropriated, and with such other pecuniary aid and materials and labor as may be given said board by donation from private parties, or by the county commissioners of the counties of Mobile and Baldwin, who are hereby authorized to give such aid from the county funds, or by the city of Mobile, to erect the most substantial modern and approved quarantine plant available for the purpose of disinfecting and fumigating vessels in the most perfect manner and with the least delay, with such piers, docks, wharves, store houses, hospitals and other structures as may be deemed necessary or proper to be constructed by said board for the discharge and fumigation of cargo, and for the care of sick or well persons detained in quarantine.

SEC. 5. *Be it further enacted*, That the said board may, from time to time, prescribe the observance of quarantine by all vessels arriving within the bay or harbor of Mobile, or the vicinity thereof, and make regulations therefor, which may be necessary or desirable to insure the preservation of the public health, and not contrary to law; such regulations to extend to all persons, goods and effects arriving in such vessels, and to all persons going on board of same, as well as to the vessels themselves; and may require such ves-

Erection of  
quarantine  
plant

Regulations  
for quaran-  
tine

sels to be unladen, and the same to be cleansed, and the said vessel and its cargo and balast and the clothing and effects of all passengers to be thoroughly fumigated and disinfected, or such clothing and personal effects to be destroyed where necessary.

Vessels shall  
come to  
anchor, etc

SEC. 6. *Be it further enacted*, That all vessels entering Mobile bay shall heave to, or come to anchor, as soon as a safe berth can be reached, as close to said quarantine as may be practicable, or as may be required by the regulations of said board, and shall display a signal for the quarantine officer, and shall not leave such berth until such quarantine officer has duly boarded and inspected such vessel and its passengers and crew, and has licensed said vessel to go on her way, or has directed her to quarantine station, and if such vessel shall, under the rules and regulations and proclamations in existence, be required to go into or observe quarantine, it shall be the duty of the master, or other person in charge of said vessel, and the passengers and crew thereof, to promptly conform to the orders and direction of such quarantine officer, and when in quarantine to strictly observe all the rules and regulations in force in reference thereto. And it shall be the duty of said board to supply the lower bar pilots and the masters of all tug boats with a sufficient number of copies of directions printed in English, Spanish, French and German, of the rules required to be observed by the masters of such vessels in coming to anchor, displaying signal and awaiting and submitting to the inspection of the boarding quarantine officer, and as to the duty of such master or person in charge of such vessel in answering all questions that may be propounded to him by such officer, and of the penalties for his failure to fully and truly make answer thereto, and it shall be the duty of lower bar pilots and masters of tugs engaged in towing vessels across the lower bar, to furnish the master of such vessels with such printed directions, and conduct such vessel to the place designated for anchorage, prior to boarding, and to explain or otherwise instruct the master of such vessel as to the nature and kind of quarantine signal to be displayed by him, and any person vio-



lating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 7. *Be it further enacted*, That the said quarantine board shall also have authority, and it is made its duty to adopt such rules and regulations for the conduct of the master and crew of tugs and of pilots, who shall be required to, or shall perform any service for any vessel entering the said bay of Mobile, and is authorized to require any such person coming in contact with any such vessel, cargo or person infected, or supposed to be infected, to observe such reasonable quarantine as may, in the judgment of said board be necessary under the circumstances.

Rules for  
masters and  
pilots of tugs

SEC. 8. *Be it further enacted*, That for the purpose of aiding the establishment and construction of said quarantine plant, there is hereby appropriated from the moneys in the state treasury not otherwise appropriated, the sum of twenty-five thousand (\$25,000.00) one quarter of said amount to be available and payable during each of the years 1891, 1892, 1893, 1894, payments to be made upon the auditor's warrants to be drawn on the treasurer and issued upon the certificate of the president and secretary of the said board; *Provided*, That the work and material may be procured on credit, or in expectation of the payment of the portion of the fund appropriated to be paid during the year 1892; *And provided further*, That the amount necessary for the full construction, completion and equipment of said quarantine plant, and the said wharves, piers, docks and other structures, as hereinbefore authorized, over and above the amount hereby appropriated by this act and the entire expense of maintaining such quarantine over and above the amount received for fees and dues collected by such board, shall be borne by the county of Mobile; and it shall be the duty of the board of roads and revenue of said county to make such proper provisions therefor; and said board is hereby authorized to issue bonds in amount not exceeding fifty thousand dollars for the purposes aforesaid if found necessary, said bonds not to bear interest at a greater rate than five per cent per annum.

Appropriation

Part to be  
borne by  
Mobile  
count

SEC. 9. *Be it further enacted*, That the said board may establish and collect fees for the inspection of all

Fees for  
inspection

steamships and other vessels coming into the bay of Mobile, not to exceed the following sums respectively: For steamships, twenty-five (\$25) dollars; sailing ships, twenty (\$20) dollars; barks and four-masted schooners, fifteen (\$15) dollars; brigs and three-masted schooners, ten (\$10) dollars; tugs and two-masted schooners, seven and one-half (\$7.50) dollars; other vessels, three dollars; *Provided*, that said board may relieve fishing, oyster, pleasure, pilot and other small boats and tugs, regularly engaged in towing across the bar of Mobile bay, and small craft regularly plying in the Mobile bay, and all vessels under five tons, from inspection or payment of the inspection fee; but said board may, in its discretion, from time to time, require such vessels to be inspected and to pay the fees as above provided. All such fees herein authorized so to be charged are payable on demand, by the master or other person in charge of such boat or vessel, and shall be a lien upon such boat or vessel.

Cost for  
services and  
material

SEC. 10.\* *Be it further enacted* That in addition to the inspection fees above authorized to be charged, said board is hereby authorized to charge and collect from the officers in charge of each vessel the actual or estimated cost for all services performed, including material furnished for said vessel in cleaning and fumigating such vessel, cargo or ballast, and unloading and loading the same, and in addition may charge a quarantine fee for the maintenance and operation of the plant of not exceeding seventy-five dollars (\$75) in any one case; they shall also be authorized to charge medicines, board and hospital attendance furnished to passengers and crew an amount fixed by said board to cover the actual expenses and costs of such medicines, board and hospital attendance, all of which charge for shall be settled on demand by the master of such vessel, and shall be a lien on such vessel, and said board, in the charging of any such fees and expenses, may discriminate in favor of vessels which are, by themselves or with other vessels, running as regular lines or which have to observe quarantine more than once during the same year.

Compensation

SEC. 11. *Be it further enacted*, That no officer or employee of said board shall be paid or allowed to col-

lect or receive for any services rendered by him in connection with such quarantine any fee or compensation other than the regular salary which shall be fixed by said board, and shall be paid out of the treasury of Mobile county; and all fees and dues collected by said board or its officers or agents shall be covered into the treasury of Mobile county, and shall there be kept by the treasurer thereof as a special fund designated "The Quarantine Fund." It shall be the duty of said board to audit monthly, the accounts, receipts and expenditures of the officers of said board, and to direct the payment of any balance on hand into the treasury of Mobile county, and no expenditure of such funds shall be made except upon warrant drawn upon the treasurer of said county by the president and countersigned by the secretary of the board; *Provided*, that a fund not to exceed two hundred dollars may be kept in the hands of the officers in charge of such plant, with which to purchase fish, vegetables, fruit, or to meet other expenses concerning the disbursement of which he shall render monthly accounts to said board.

Quarantine  
fund

SEC. 12. *Be it further enacted*, That it shall be the duty of said board to fix the salaries and wages of all employees, but no member of said board shall receive any compensation for his personal service, excepting that the members of said board from Baldwin county shall be, in a sworn statement, paid for all actual expenses incurred in attendance in meetings of said board; *Provided*, that said board may, from time to time, inspect said quarantine plant, and may hire a tug or other suitable boat for such purpose, and pay the expenses of such trips so made for such purpose.

Salaries and  
wages

SEC. 13. *Be it further enacted*, That if the master or person in charge of any vessel, or any other person, while in quarantine, shall remove or take such vessel from quarantine before she is given pratigue, or shall procure or aid such vessel to be removed from quarantine, shall be guilty of a misdemeanor, and shall be punished accordingly; and every person ordered to remain in quarantine who shall escape or depart before being discharged therefrom, shall be guilty of a misdemeanor, and shall be punished accordingly; and any justice of the peace or mayor of

Misdemean-  
ors and  
penalties

any city, on complaint thereof, may issue his warrant to a sheriff or constable or other lawful officer to arrest and deliver such person to the custody of the officers of quarantine, and any such person so attempting to escape may forcibly be detained or placed in quarantine by such officer.

Examina-  
tions under  
oath

SEC. 14. *Be it further enacted*, That any master of a vessel, or other person therein, or who is suspected of having come in contact therewith, may be sworn by the inspecting, boarding or health officer touching his previous history, or that of his ship, cargo, ballast, crew or passengers for such length of time, and in reference to such matters as may be necessary to enable such officers to determine whether or not it is proper for such vessel, passengers or crew to observe quarantine; and any refusal to answer a proper question, or any false swearing on the part of any such person, shall be guilty of a misdemeanor, and punishable as such; *Provided*, that nothing in this act shall be so construed as to take away from the Mobile board of health any of the powers or duties not in conflict with the provisions of this act in regard to the actual administration of quarantine devolved upon said board of health by the existing quarantine and health laws of this state.

Approved February 16, 1891.

382]

AN ACT

[H. 314

To permit the proprietor of Shelby Springs to sell spirituous, vinous or malt liquors on his premises during the summer.

Liquor may  
be sold at  
Shelby  
Springs

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be lawful for the proprietor of Shelby Springs, after taking out the license required by law, to sell spirituous, vinous or malt liquors to his guests or boarders from the first of June until the first day of November of each year; *Provided*, that the sale of vinous, spirituous or malt liquors to any other person than guests or boarders shall be a misdemeanor,

and on conviction shall be punished as provided under 4036 of the Code.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith, be, and the same are repealed.

Approved February 16, 1891.

383]

AN ACT

[H. 589

To declare the board of education of the separate school district of the city of Tuscumbia the successors in office of the Tuscumbia Male Academy, and to authorize said board of education to sell and convey certain real estate belonging to the trustees of the Tuscumbia Male Academy, for school purposes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of education of the separate school district of Tuscumbia, Alabama, consisting of the mayor of said city of Tuscumbia, James E. Keenan, Thomas T. Rowland, Joseph Hillman, G. Lueddemann, J. S. Whittemore, A. H. Carmichael, and their successors in office, are hereby declared to be the lawful successors in office of the trustees of the Tuscumbia Male Academy. Tuscumbia  
board of  
education

SEC. 2. *Be it further enacted*, That the said board of education of the separate school district of the city of Tuscumbia, or their successors in office, are hereby authorized and empowered to sell and convey lot 495, according to the map plan and survey of the city of Tuscumbia, at such time and upon such terms and notice as they deem fit, the proceeds of such sale to be applied to school purposes in said school district. Authority to  
sell lot

SEC. 3. *Be it further enacted*, That whenever said board of education shall decide to sell said real estate an order to that effect shall be entered upon the minutes of said board of education.

SEC. 4. *Be it further enacted*, That said deed of conveyance shall be signed: "The Board of Education of the Separate School District of the City of Tuscumbia, by ....., President; and that

when said deed is duly executed, it shall convey and transfer to the purchaser all the title and interest in and to said property which the trustees of the Tusculumbia Male Academy had and might have conveyed.

Approved February 16, 1891.

384]

AN ACT

[H. 879

To further enlarge the powers, rights, franchises and privileges of the East Birmingham Land and Railroad Company, a corporation having its principal place of business in the city of Birmingham in this state.

Powers

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That said corporation may have the power and authority to use, in the operation of its railroad, such locomotives and cars, freight and passenger, as are generally used by railroad companies, and may transport over and upon its railroad freight and passengers in the same manner as if it had been incorporated under the general statutes providing for the purpose of constructing and operating railroads.

May sell or  
consolidate

SEC. 2. *Be it further enacted*, That said corporation may sell or otherwise dispose of its railroad or any part thereof to any person or persons, railroad company or other corporations, or may consolidate with any other land company, street railroad company, or railroad company, upon such terms as may be agreed upon; and case of such sale or other disposition of said railroad or any part thereof, or of such consolidation, the purchaser or successor in ownership of said railroad or any part thereof, or the consolidated company, shall have and exercise the same powers, rights and privileges as are now or may hereafter be conferred upon said corporation, and in case of consolidation, upon the company consolidating with it.

Consent of  
city author-  
ties

SEC. 3. *Be it further enacted*, That before said corporation or purchaser of the railroad of said corporation, or any company with which it may consolidate, shall use the locomotives and cars mentioned in sec-



tion one of this act, within the corporate limits of the city of Birmingham, it shall first obtain the consent of the corporate authorities of said city.

Approved February 16, 1891.

385]

AN ACT

[s. 467

To amend an act to amend section 677 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section six hundred and seventy-seven (677) of the code of Alabama as amended by an act approved February 28, 1889, be and the same is hereby amended so as to read as follows (677) (573) : *Terms of Court*—The regular term of the supreme court shall hereafter commence on the first Tuesday in November in each year, and continue, Sundays excepted, until the last day of June of the ensuing year, but the court may, in its discretion, adjourn from time to time; and within twenty days after the approval of this amendatory act, the judges of the supreme court shall, by an order spread on its minutes and published in the first volume of its reports issued thereafter, fix the time for the call and consideration of the causes that may be pending on the docket of said court, so as to give notice of the time when each division will be called, and the length of time allotted to each division, and such order when made shall not be altered except by legislative authority.

Approved February 16, 1891.

386]

AN ACT

[H. 148

To amend an act to establish the city court of Anniston, approved February 25, 1889, by amending certain sections thereof.

SECTION 1. *Be it enacted by the General Assembly*

Jurisdiction,  
power, etc

*of Alabama*, That an act entitled an act to establish the city court of Anniston be amended by amending section one of said act so as to read as follows : Section 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in and for the county of Calhoun an inferior court of law and equity which shall be called the city court of Anniston which shall have and exercise all the jurisdiction and power which now are or may hereafter be conferred by law on the several circuit and chancery courts of the state. When exercising the jurisdiction and powers of courts of law, said city court of Anniston shall conform to the rules of procedure and practice in the circuit courts of the state ; and when exercising the powers and jurisdiction of courts of equity, it shall conform to the rules of procedure and practice in the chancery courts of the state except where the rules, procedure and practice are changed by this act ; *Provided*, That the presiding judge shall have power to make and adopt such rules of practice not inconsistent with the general rules of practice of the statutes of Alabama as may be required by a proper system of city court practice and amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court and the same may be changed or amended by the supreme court of the state. That the jurisdiction of said court shall be limited to and extend over that part of the territory of said county included within the following precincts of said county of Calhoun as now organized, to-wit : Anniston precinct, number 15 ; Oxford precinct, number 13 ; Dearmanvill precinct, number 17 ; and Maddox precinct, number 4, and to causes of action arising within said designated limits, whether the parties reside therein or not.

Clerk ; duties of, etc

SEC. 2. *Be it further enacted*, That section four of said act be amended so as to read as follows : Section 4. Be it further enacted, That the clerk for the said city court of Anniston shall be appointed by the judge thereof who shall hold his office during the term of the judge appointing him unless sooner removed. Such clerk may be removed by said judge for causes specified in the order removing him and also for such causes and in such manner as is or may be provided by law

for the removal of clerks of the courts under section 3, article vii, of the constitution. Before entering upon the duties of his office such clerk shall give bond and security to be fixed by the judge of said court, in a sum not less than ten thousand dollars, which must be payable, conditioned and recorded as required by law for bonds of clerks of the circuit courts. The judge of this court may when he deems it necessary, order the clerk to give an additional bond, in such sum as said judge deems necessary, and upon failure to do so for twenty days after such order said clerk may be removed by said judge. Such clerk shall have all the powers and perform all the duties, which may be lawfully exercised and performed by clerks of the circuit courts and registers in chancery in this state; and the clerk of this court shall have power to grant all orders and do all things while the court is in session that clerks and registers may grant and do in vacation. His fees shall be the same as those allowed by law in like cases, to clerks and registers, and he shall be subject to the same liabilities and penalties, in like cases, provided by law for such clerks and registers. He shall reside in the city of Anniston during his continuance in office. Said court shall adopt and keep a seal which shall be in the custody of said clerk.

Sec. 3. *Be it further enacted*, That section five of said act be amended so as to read as follows: Sec-  
 tion 5. *Be it further enacted*, That said court shall be held, and the office of said clerk and the records there-  
 of shall be kept at such place in the city of Anniston  
 as may be provided by the court of county commis-  
 sioners of Calhoun county. Said court shall hold two  
 regular terms in each year. Special term may also be  
 held, when in the opinion of the judge of said court  
 it shall be necessary for the proper transaction of  
 business, of which term twenty days notice shall be  
 given by proclamation in some newspaper published  
 in the city of Anniston. The present term of said court  
 shall continue until the last Saturday in June, 1891.  
 Regular terms of said court shall be held as follows:  
 Beginning on the second Monday in January in each  
 year and continuing until the last Saturday in June,  
 and on the first Monday in October and continuing

Court held at  
Anniston

Terms of  
court

until the third Saturday in December. Said court may be adjourned at any time if the business is disposed of.

Solicitor, duties, fees, etc

SEC. 4. *Be it further enacted*, That section nine of this act be amended so as to read as follows: Section 9. *Be it further enacted*, That immediately after the passage and approval of this act, there shall be elected a solicitor for said court by a joint ballot of the general assembly, whose term of office shall continue for four years and until his successor shall be elected and qualified, which shall be done in the same manner at the end of each four years thereafter; such solicitor shall be learned in the law, and at the time of his election shall be a citizen of the county of Calhoun, and shall so remain during the continuance of his term of office, and said solicitor shall be charged with the performance of the same duties in said court and subject to the same liabilities and penalties in respect thereto as are by law imposed upon circuit solicitors in like cases in the circuit courts of this state, and said solicitor shall receive for his compensation for such services the same fees as are taxed by law for solicitors in criminal cases in the circuit courts of this state, to be taxed and collected in said city court in the same manner as such fees are taxed and collected in said circuit courts; *Provided, however*, that the total fees paid said solicitor shall not exceed two thousand dollars per annum, and the balance collected over and above said amount of two thousand dollars shall be paid to the county treasurer of said Calhoun county and by him placed to the credit of the fine and forfeiture fund of the Anniston city court, hereinafter provided for; that the solicitor of said court shall have a claim against the fine and forfeiture fund of said city court for his fees in cases where convictions are secured, and the fees cannot be collected; *Provided*, that he shall have such claims only in case the aggregate amount of salary in fees received by him for any one year shall fall below two thousand dollars and for the purpose of making up the deficit in his salary to him, which shall be paid as other claims against said fund.

SEC. 5. *Be it further enacted*, That section eleven

of said act be amended so as to read as follows: Sec.

11. Be it further enacted, That in all civil causes at law in said city court the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit or by the defendant at his appearance by indorsing such demand in writing on the summons and complaint, plea or demurrer; *Provided*, that when a cause is transferred to said city court the demand for a jury shall be made at the time of the application for said transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the rights of trial by jury; *And, provided further*, that when a cause shall have been tried without the intervention of a jury, and a new trial given by the court, or when the same shall have been reversed and remanded by the supreme court, that either party in said cause may demand a jury; *Provided*, such demand is made at the first sounding of the cause thereafter; *And, provided further*, that the party so demanding a trial by jury shall deposit with the clerk of this court four dollars as a jury tax fee. This jury tax fee shall be taxed as other costs in the case, and if the party so demanding a jury is successful in the cause, this fee shall be refunded to him when collected by the clerk.

Trials with  
or without  
juries

SEC. 6. *Be it further enacted*, That section fifteen of said act be amended so as to read as follows: Sec.

15. Be it further enacted, That the supreme court shall have appellate and supervisory jurisdiction over said city court; and cases in law and equity may be appealed or removed to said supreme court in the same manner and under the same rules that cases are appealed or removed from the circuit courts and chancery courts of the state, and the appellate and supervisory jurisdiction of the supreme court over said city court or the judge thereof, shall be exercised in the same manner as in like cases it is exercised over the circuit courts, or the judges thereof, or over the chancery courts or chancellors; that all bills of exception shall be presented to, and signed by the judge of said court within thirty days after the trial of the cause, unless such time be extended by order of the court en-

Appeals

tered in the cause or by agreement of counsel in writing and filed in the cause; and motions for new trials shall be made within thirty days after the trial of the cause.

Salary of judge      SEC. 7. *Be it further enacted*, That section sixteen of said act be amended so as to read as follows: Section 16. *Be it further enacted*, That the salary of the judge of said city court shall be two thousand five hundred dollars per annum and the same shall be paid quarterly out of the Anniston city court expense fund hereinafter provided for upon the order of said judge, and the same shall be a preferred claim against said fund.

Duties of sheriff      SEC. 8. *Be it further enacted*, That section eighteen of said act be amended so as to read as follows: Section 18. *Be it further enacted*, That the sheriff of said county shall be in person or by deputy, required to attend said city court, preserve order and execute and return its processes, and perform such other duties and in all respects as in the circuit and chancery courts of the state, and he shall furnish all other such subordinate officers as may be necessary to expedite the business of said courts the same as he is now required to do under the laws governing him as officer of the circuit and chancery courts of this state. That the said sheriff shall be required to have an office in the said city of Anniston, and to appoint a deputy sheriff who shall reside in said city of Anniston, during his term of office. The fees of the officers of said city court

Fees of officers and witnesses      for services rendered and the compensation of jurors and witnesses therein shall be the same as are, or may be allowed for like services in the circuit and chancery courts of the state, and payable in the same manner; *Provided*, that witnesses claim their attendance within five days from their discharge; and such officers, jurors and witnesses shall be subject to the same penalties and liabilities as when acting under the authority of the circuit and chancery courts of the state.

Solicitor pro tem      The judge of said city court shall have the power and authority to appoint a solicitor pro tempore in case of the absence or disqualification of the solicitor of said court who for the convictions under his prosecutions shall be entitled to the same fees as the solicitors of



this court; that when a solicitor pro tempore is appointed, the amount of the fees collected by him shall be deducted from the salary of the regular solicitor; *Provided*, that the jurors and bailiffs of said city court shall be paid out of the said city court expense fund as preferred claims and all fees in said city court in criminal cases due the clerk, sheriff and state witnesses, which become fine and forfeiture claims under the general laws of the state shall be registered against the fine and forfeiture fund of the city court within the time now provided by law for registering fine and forfeiture claims from the circuit and chancery courts and shall be paid out of said Anniston city court fine and forfeiture fund according to date and number of registration.

Claims; how  
payable

SEC. 9. *Be it further enacted*, That section 20 of said act be amended so as to read as follows: Sec. 20. *Be it further enacted*, That the fines and forfeitures accruing in said city court shall be payable only in money and shall be collected in the same manner as fines and forfeitures are now collected in the circuit courts of this state, and shall be paid to the clerk of said court and shall be by him paid together with said jury tax fees to the treasurer of said Calhoun county, said jury tax to be placed to the credit of the Anniston city court expense fund and the amounts arising from fines and forfeitures, together with the county's portion of the hire of all convicts hereafter sentenced by said city court to hard labor for the county and received by such treasurer from the hirer to be placed to the credit of the Anniston city court fine and forfeiture fund, and said clerk shall make such payments quarterly commencing April 1, 1889, and on the first Monday in February and August, 1890, and on such days in each year thereafter, the clerk of said city courts shall make a report in writing under oath to the county treasurer of said Calhoun county showing the number of convictions, the offense for which each was convicted, the fine assessed against each, the number of forfeitures taken, the amount of jury tax fees and the amount of solicitors fees taxed, together with the items and amounts collected in each case, and the disbursements of such solicitors fees which have accrued

Duties of  
clerk of  
court

Report in  
writing un-  
der oath

in said city court during the year preceding, and shall at such terms pay over to the county treasurer all such moneys coming from either source above mentioned, which shall then be in his hands.

## Special tax

SEC. 10. *Be it further enacted*, That section 26 of said act be amended so as to read as follows: Section 26. *Be it further enacted*, That the commissioners court of said county shall be and are hereby authorized and required to levy a special tax of one-tenth of one per cent. on the real and personal property assessed within the limits of Anniston precinct No. 15, Oxford precinct No. 13, Maddox precinct No. 4, and Dearmanville precinct No. 17 as now organized, which special tax shall be collected as other taxes of said county, and paid over to the treasurer of said county and by him placed to the credit of the Anniston city court expense fund; that such levy of special tax shall be made each year regularly until such time as there may be sufficient surplus money to the credit of said Anniston city court fund as will justify the levy of a less per cent. than herein above mentioned.

Duties of  
county  
treasurer

SEC. 11. *Be it further enacted*, That section twenty-seven of said act be amended so as to read as follows: Sec. 27. *Be it further enacted*, That the county treasurer shall, in January of each year, or as soon thereafter as practicable, make an estimate of the proportion of the expense of the expenses of the circuit courts borne by the precincts within the jurisdiction of said city court, considering the relative assessed value of property, real and personal, within and without said limits, and shall transfer the amount so ascertained from the common county funds to the credit of the Anniston city court expense fund. That said treasurer shall procure a cash book and a register of claims, and shall open an account with the Anniston city court expense fund, and another account called the fine and forfeiture fund of the Anniston city court, and said funds of the Anniston city court shall be kept separate and distinct from all other funds or moneys. That all claims payable out of the Anniston city court expense fund shall bear eight per cent. interest from date of registration until paid off, when the money is not on hand to the credit of said expense fund to pay them on

presentation. That said county treasurer shall immediately after the passage of this act, state the account between the Anniston city court and the county of Calhoun, giving said court credit for all moneys paid into the fines and forfeiture fund of said county from fines and forfeitures from said court, and charging said court with all fine and forfeiture claims of said court registered against the fine and forfeiture fund of said county at any time since the organization of the court. If it be found that Calhoun county is indebted in any amount to the Anniston city court, the court of county commissioners shall make an appropriation out of any moneys in the treasury not otherwise appropriated in favor of the Anniston city court expense fund or the Anniston city court fine and forfeiture fund, as the judge of said court may elect. If it be found from the stating of such accounts that the Anniston city court is indebted to the county of Calhoun in any amount whatever, then and in that event, on the first day of January of each year, the county treasurer shall ascertain what surplus, if any, there is to the credit of the fine and forfeiture fund of the Anniston city court over and above the claims registered against it, and such surplus, if any, he shall transfer to the common county fund of Calhoun county, and deduct the amount from the amount of the indebtedness of said city court to the county for the balance of money advanced to run said court up to this time, after deducting amount realized from tax levy made in July, 1890, and the pro rata circuit court expenses for 1891, which will be fully shown upon the books of the county treasurer, and after said debt shall have been liquidated, the surplus to the credit of said fine and forfeiture fund of the Anniston city court at the end of each year, shall be transferred by the treasurer to the credit of the Anniston city court expense fund. That no money shall be loaned or advanced hereafter out of the common county fund by the commissioners court or the treasurer of the county to the Anniston city court. That the county commissioners court shall borrow, if practicable, a sum of money from individuals sufficient to pay the salary of the judge and jurors of said city court for the balance of the year 1891, and issue warrants upon the Anniston

Duty of  
county com-  
missioners

Misdemean-  
ors

city court expense fund, to be payable out of the special tax levy to be made in July, 1891, bearing eight per cent. interest. That all accounts against said Anniston city court expense fund, except such as are paid on the certificate of the clerk and judge, shall be made out against the Anniston city court expense, sworn to and presented to the commissioners court for allowance, and when allowed, the judge of probate shall issue his warrant to the treasurer against the Anniston city court expense fund. The wilful failure or neglect to perform any of the duties required of the county commissioners or the county treasurer by this act, or the Anniston city court act, shall be a misdemeanor.

Approved February 18, 1891.

387]

AN ACT

[H. 318

To amend and revise the charter of the town of Oxanna.

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the inhabitants of the town of Oxanna, in Calhoun county, Alabama, shall be and continue a body politic and corporate by the name of The Town of Oxanna, and by this name may sue and be sued, receive and grant, and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and use and dispose of the same for the benefit of said town as the mayor and town council may deem necessary and proper.

Corporate  
limits

SEC. 2. *Be it further enacted,* That the corporate limits of the town of Oxanna shall include and embrace the same territory as was included within its limits under its charter made under the general laws of the state, by filing petition with the probate judge of Calhoun county, and in addition thereto, all the land originally owned by the South Anniston Land Company, not included within the corporate limits of the city of Anniston.

SEC. 3. *Be it further enacted,* That the government of the town of Oxana, and its corporate powers shall be exercised by a mayor and six councilmen, who shall be elected annually on the 2nd Monday in January by ballot by the male inhabitants of said town entitled to register and vote under the laws of this state, and who have resided therein for thirty days next preceding such election. Said election shall be held by the mayor or some one appointed by him, and two councilmen, assisted by an acting justice of the precinct in which said town is situated. Notice of said elections shall be given by the mayor at least ten days previous to such election by posting notices in three public places in said town. The polls on election day as above described shall be opened at nine o'clock a. m. and the election be conducted in the same manner as elections for state officers. The mayor or person by him appointed and councilmen shall certify to the result at such election, and in case any two persons offering for the same office shall receive an equal number of votes, then the justice of the peace, assisting in said election, shall give the casting vote and shall give to the person elected a certificate of election. In other cases the mayor and councilmen shall give certificate of election. The persons so elected shall, before entering upon the discharge of the duties of their respective offices, take and subscribe the following oath, to-wit: "I (A. B., as the case may be), mayor, clerk, marshal, councilman, do solemnly swear that I will, to the best of my skill and ability, discharge all the duties incumbent on me without favor or affection, so help me God;" which oath shall be administered by a justice of the peace, and a certificate of it filed with the records of the city. The mayor and councilmen shall continue in office twelve months from date of election, and until their successors are qualified, unless removed as hereinafter provided. If from any cause said elections should not be held on the second Monday in January, the mayor shall as soon as practicable appoint another day for holding such elections, of which he shall give notice as hereinbefore prescribed, and cause such elec-

Annual  
elections

Ties

Oath of  
office

tion to be held on such day appointed in every particular as herein prescribed.

SEC. 4. *Be it further enacted*, That the ballots cast at any election held under this act, shall, after being counted, be carefully sealed up by the mayor and councilmen and by them deposited with the clerk in charge of the papers and records of said town, who shall preserve the same for twenty days after the result of the election is declared, and then if there is no contest, the said clerk shall cause the same to be burned in the presence of himself and mayor; but in the event of a contest, they shall be delivered to the court or judge trying the same.

SEC. 5. *Be it further enacted*, That any election held under this act, may be contested in the same manner as is or may be provided by the laws of the state for contesting the election of probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge shall, as far as the same are or may be applicable, apply to contests of any election held under this act.

SEC. 6. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said town of Oxanna who has not resided therein one year next preceding his election.

SEC. 7. *Be it further enacted*, That if the mayor or any councilman during his term of office, and after qualifying, shall die, resign, remove from the corporation, refuse to act or be permanently disabled from acting, the remaining councilmen shall by ballot elect in his stead, another mayor or councilman, who shall have the qualifications prescribed by the sixth section of this act, and shall continue in office during the remainder of their term and until his successor is elected and qualified, and if any person elected mayor or councilman by the qualified voters of said town, at any election under this act, shall refuse to qualify, the remaining councilmen shall by ballot elect in his stead, if mayor one of their own body, if councilman some person having the qualifications prescribed by the sixth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and dualified.



SEC. 8. *Be it further enacted*, That the councilmen shall be judges of the qualifications of the mayor, and the mayor and remaining councilmen shall be judges of the qualifications of a councilman.

Qualifications  
of mayor and  
councilmen

SEC. 9. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. The mayor and councilmen shall fix their own sessions, and special meetings may be called by the mayor at any time, or by two of the councilmen. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor during such sickness or absence and such mayor pro tempore shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from the town or state.

Quorum

SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside and keep order at the meetings of the council and hear and determine all cases of violation of all by-laws or ordinances, or charter of said town, and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish any contempt of his court, by fine and imprisonment, but the imprisonment, shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars; and the mayor may compel the attendance of witnesses on his court by fining them not exceeding twenty-five dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him, after being duly served with a subpoena. The mayor shall at least once every four months, make a written statement to the council, of the towns financial condition which shall be published in some newspaper published in the town, or by posting in three or more public places in said town. The mayor shall do and perform such other duties as the council may prescribe, and before entering upon the duties of his office as mayor he shall give bond to be approved by a majority of the councilmen in the sum of five hundred dollars payable to the town of Oxanna, and conditioned for the faithful performance of his duties as mayor. Appeal from any decision of the mayor

Duties of  
mayor

of said town may be had in the same manner as is or may be provided for taking appeals from justice court. The mayor of the town of Oxanna is hereby invested and clothed with all the powers of a justice of the peace, under the laws of the State of Alabama, and authorized to receive the same fees, but he shall give bond and qualify as a justice of the peace before exercising any of the duties thereof. The mayor shall receive such salary or fees as the council may prescribe.

Officers elected by council

SEC. 11. *Be it further enacted*, That the mayor and councilmen shall have power to elect a clerk, treasurer, assessor, and collector of taxes and marshal and such other officers and agents as may be necessary to execute the powers conferred on the corporation or as may be deemed proper for the good government, and welfare of the town; to prescribe their duties, powers and liabilities; to require of them bonds with such security and such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time, any or all of such officers or agents, a majority of the councilmen concurring in such removal, and to fix and regulate from time to time, the compensation of such officers or agents of the corporation. Such officers and agents of the corporation shall continue in office unless removed, until the next annual election for mayor and councilmen, and until their successors are qualified. All such officers as are, or shall be required to give bond, shall do so before entering upon the performance of their respective duties.

Duties of clerk

SEC. 12. *Be it further enacted*, That the town clerk shall keep a regular and complete record of the proceedings, orders, regulations and ordinances of the town which shall be read to the council and signed by the mayor, and the same shall have the force and effect of a record, and the copy therefrom certified to by the clerk, shall be prima facie evidence in any court of record or elsewhere. And said record shall at all times be open to inspection. The said clerk is hereby authorized to issue all executions, subpoenas and other process as may be necessary to enforce the collection of taxes, fines, forfeitures, and other dues which may be owing to said town on any account.

SEC. 13. *Be it further enacted*, That the mayor and councilmen of the town of Oxanna shall have full and complete powers: 1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject, to carry out the power herein granted, and for the good government and order of said town as they may think proper. And in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances, and by-laws not inconsistent with the laws of the state as shall be needful for the government, police interest welfare and good order, of said town; and to affix thereto such penalties for violations of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of by laws or ordinances of said town failing to pay or secure such fine may be imprisoned on such failure, or placed at hard labor for the town until such fine and costs are paid, in such manner as council may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay bond with two good and sufficient sureties to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same; but, if after such bond and security, such fine and costs be not paid in thirty days, execution may be issued against the obligors on said bond to collect the same. The council may pass all needful laws to compel persons to work in the streets or elsewhere in the town, who refuse to work when under the mayor's sentence for violating any town ordinance. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town and to preserve the health thereof. 3. To prevent and remove all nuisances at the expense of the person causing the same or on whose premises the same may be found; to remove all decayed and delapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of the owners of same when they fail or refuse upon reasonable notice to remove or repair and renovate such houses and structures. 4. To establish, set up and regulate hos-

Powers of  
mayor and  
councilmen

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Powers of  
mayor and  
councilmen

pitals, poor houses, work houses, and houses of correction. 5. To license, tax, regulate, prohibit and restrain theatrical and other amusements, selling, retailing, buying or receiving or giving away vinous, spirituous, malt or intoxicating liquors or beverages; *Provided*, that the license for selling liquor shall not be less than five hundred dollars. 6. To restrain or prohibit gambling gaming houses, houses of ill fame, disorderly conduct, breaches of peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, and anything else hurtful to the good order and morals of society, and all violations of state laws; and gambling devices and implements shall be subject to seizure and forfeiture under such lawful rules and regulations as the council may prescribe, when said implements and devices are brought to said town or found there to be used for purposes of gaming. 7. To appoint and regulate night and day watchmen. 8. To sink, repair, and regulate public wells and cisterns; to establish and regulate fire plugs, and public hydrants, and to make all needful provisions to supply the town with water, gas, and gas lights, or other lights, and to control street lamps. 9. To open, locate, establish, repair and regulate streets and alleys, and to change, alter or abolish and vacate them or any parts thereof; to establish pavements, sidewalks and curb and grade them, and regulate the same, and make all sanitary laws with respect to the use of the streets and sidewalks, and to this end are authorized to require each male inhabitant of said town between the ages of 18 and 45 years not physically disabled to perform labor upon said streets for a period of not more than ten days in each year, and may collect in lien of such labor a street tax of not more than five dollars and shall have full power and authority to require owners of real property situated adjacent to the sidewalks in said town to build and keep the said sidewalks in repair in accordance with the ordinances of said town. And shall have full power and authority to enact ordinances in reference thereto, providing for the building and repairing thereof by the town to be taxed against and collected out of such adjacent property on the failure of the owner to build and repair the same on notice from the town to do so. 10. To

establish and build drains and sewers and reservoirs and to regulate the same, and compel owners of lots or real property to drain the same, and ditch it at the expense of the owner, to drain and ditch the same when the owners thereof refuse or fail after ten days notice to drain and ditch it and tax the expense of said ditching and draining against the property ditched and drained, which said tax shall be a lien on said property to be enforced and collected as other taxes. Said drains and sewers may be extended beyond the limits of the town when necessary. 11. To establish, lay out, regulate and vacate public parks. 12. To establish and regulate or change fire limits within said town and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor. To require owners of all houses where the public assemble in mass, to provide said houses with fire escapes and suitable exits. 13. To lay out, regulate and control cemetery, burial grounds, and to sell burial lots in same. 14. To prevent the running at large upon the streets all cows, dogs, hogs or other animals, and to pass all laws necessary for the sale and impounding of said animals upon proper notice to owners thereof. 15. To regulate the running of cars and locomotives on or across streets and alleys of said town, and to control the speed of such cars and locomotives in said town, and to regulate and control the running of street cars on said streets, the operation of telephone, and electric light companies as to where they shall place posts and other apparatus. 16. To pass all necessary and proper laws for the arrest, with or without a warrant of all offenders against town ordinances or state laws, and to confine such persons until tried, convicted or discharged by law. 17. To pass laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. 18. To make and ordain all necessary laws concerning idlers, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security to be approved by the mayor for their good behavior for a

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reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the town for a limited time not exceeding thirty days. 19. To punish all persons who obstruct the marshal or other officer or agent of said town in the arrest of any person in the town, or in the lawful discharge of any duty about said town, and to punish any and all persons who when called upon to aid in arresting any person, shall fail to give such aid. 20. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of gun-powder or other dangerous material, guano, or other commercial fertilizer within said town; to regulate and control the sweeping of chimneys, the use of lights, stove-pipes and flues, in all shops, stores, kitchens and other places; to cause the removal or pulling down of nouses; to prevent the spreading of fire and to extinguish the same. 21. To exercise the power of eminent domain, and condemn private property for streets, alleys, drains, sewers, public parks and squares; to supply the town with pure water, and for all other public municipal purposes proper, on making just compensation to owner of land condemned and the general laws of the state applicable to ad quod damnum suits shall apply, and be the proper remedy for such condemnation; to build drains and sewers and to supply the town with water; may exercise the eminent domain power outside the city limits when necessary. 22. To have and exercise full police powers in said city; to prevent crime, and arrest offenders; to protect the rights of persons and property; to preserve the public peace, and for this purpose may command the aid of the sheriff of Calhoun county. 23. To impose and collect from all persons or corporations carrying on any business, trade or profession by agents or otherwise within the limits of said town, a license tax on such business, trade or profession, which shall be fixed by ordinance from time to time, and the amount regulated as the council may deem fit, and collected as other taxes, and may also by ordinance impose such fines and penalties as they may deem advisable for the doing of any business or the carrying on of any trade, or the practicing of any profession, by any party who



shall fail to take out such license as may be imposed by ordinance. 24. To regulate and control the planting and removing shade trees on the streets, alleys and public places of said town.

SEC. 14. *Be it further enacted*, That the mayor and councilmen of said Oxanna shall have authority to levy taxes on the real and personal property within said town, except such as is or may be exempt from taxation under the laws of the state; on auction and sales of merchandise, or capital employed in business in said town, or incomes of persons residing therein, or itinerant or traveling merchants, or any business, trade or profession carried on in said town. Authority to  
levy taxes

SEC. 15. *Be it further enacted*, That the said tax on real and personal estate shall not in any one year exceed one-half of one per cent. on the value of such property as assessed for state taxation during the preceding year, and shall be levied according to assessment made under such rules and regulations as the mayor and councilmen may adopt, and it shall be their duty to review and correct such assessment.

SEC. 16. *Be it further enacted*, That all taxes assessed or levied in pursuance of the authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien upon the property assessed, and upon all other property within the corporate limits, of the party against whom the same are levied and assessed, and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to owner unknown, by sale of the property; all such sales of property for the non-payment of taxes must be after 30 days notice by advertisement in a newspaper published in said town, or in the county of Calhoun, and the person appointed to collect such taxes shall make such sales under such rules and regulations as the council may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the council may prescribe, which certificate shall be *prima facie* evidence of the regularity of all previous proceedings and of all the facts stated therein, and also that the require- Lien for  
taxes

ments of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with. The same rights of redemption are given as are provided for by the laws of the state.

Effect of this act      SEC. 17. *Be it further enacted*, That no prosecution, suit or claim whatever, pending or to be brought under existing laws shall in any manner be affected by this act, and all the existing ordinances and by laws of the town of Oxanna adopted in pursuance of the present charter and not in conflict with this act, or with the constitution or laws of the state, shall be and remain in force as the ordinances and by-laws of the town of Oxanna until repealed or modified by the mayor and councilmen under this act, and the present mayor and councilmen of the town of Oxanna shall exercise the powers conferred by this act until an election can be held under this act.

May issue bonds      SEC. 18. *Be it further enacted*, That the mayor and councilmen of the town of Oxanna shall have power and authority to issue coupon bonds of the town of Oxanna not to exceed in amount the sum of fifty thousand dollars, in denominations not less than one hundred and not greater than one thousand dollars, bearing interest at the rate of six per cent. per annum, said interest being due and payable semi-annually at such place or places as the mayor and councilmen may direct. Said bonds to be due and payable at such place or places as the mayor and councilmen may direct twenty years from the date of issuance.

Sale of bonds etc      SEC. 19. *Be it further enacted*, That the mayor and councilmen are empowered and authorized to sell said bonds, or any portion thereof, so as to net the town of Oxanna not less than ninety five per cent. of the par value of the bonds sold, and the proceeds of the sale of said bonds shall be applied exclusively to the erection of public buildings, improving streets and in constructing a system of sewerage for the town.

Authority to do all things necessary      SEC. 20. *Be it further enacted*, That the mayor and councilmen of the town of Oxanna are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents duly authorized or appointed by them for

that purpose at any meeting of the council, whether at a special or regular meeting, and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds shall in any way vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 21. *Be it further enacted*, That all laws or Laws in conflict of laws in conflict with this act be and they are hereby repealed.

Approved February 18, 1891.

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AN ACT

[H. 1005

To authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Jefferson county be, and the same is authorized to direct the treasurer of said county to purchase valid claims against the fine and forfeiture fund of said county, and to pay for the claims so purchased out of the general fund of the said county in the manner and under the conditions hereinafter prescribed.

SEC. 2. *Be it further enacted*, That whenever in the opinion of said court of county commissioners, the finances of the said county of Jefferson justify such procedure, the said court may, by resolution entered upon its minutes, direct the county treasurer to advertise for the purchase of claims against the fine and forfeiture fund of said county to such an amount as the court may specify, and to pay therefor such sums as the said court may deem proper not exceeding twenty-five (25) per cent. of the face value of such claims.

SEC. 3. *Be it further enacted*, That said treasurer shall accept and pay off such claims as may be offered him for purchase; first, those which are offered at the lowest price in the order in which such offers were received at his office; then those next lowest, and so on until the sum set apart for this purpose by the

court shall be exhausted; *Provided*, that none shall be accepted or paid, for which more is demanded than the price stated in the resolution of the court, and the acceptance or rejection of any claim shall be optional with the treasurer within the limits previously described, except that he shall not accept or pay for any claim a higher price than asked for the lowest of those rejected by him.

Advertisements

SEC. 4. *Be it further enacted*, That within ten days of the passage of such resolution by said court of county commissioners, the treasurer shall publish in a newspaper published in the said county of Jefferson once each week for three successive weeks a notice substantially as follows: NOTICE.—Offers of valid properly registered and authenticated claims against the fine and forfeiture fund of Jefferson county, will be received at my office, in the city of Birmingham, from 12 m., the ..... day of ....., 18... to 12 m. the ..... day of ..... 18.... The amount set aside for the purchase of claims is ..... dollars, and I will pay therefor not exceeding ..... cents on the dollar, face value; the lowest offers are entitled to preference in the order of time in which they are received at my office, but I reserve the right to reject any and all offers. A. B. County Treasurer. The first day named in said notice shall not be more than three days after first publication thereof, and the last day not more than three days after publication shall have been completed.

Receipt to treasurer

SEC. 5. *Be it further enacted*, That the treasurer shall take a receipt, endorsed on the back of the claim, for the amount paid for every claim he shall purchase and pay for under the provisions of this act, and file the same in his office as a voucher, and he shall also enter in a book to be kept by him for the purpose, the amount paid for each claim, the face value of such claim; the name of the person to whom it was issued; the name of the person presenting and selling the same; the date of its issue; the date of its presentation to the treasurer for registration; the number under which it is registered; the day of its purchase and payment, and such other marks of designation as he shall deem necessary to its identification, and he shall mark all such claims paid on the reg-

istration books of claims against the fine and forfeiture fund of said county.

SEC. 6. *Be it further enacted*, That this act shall apply to all claims which are now or which shall hereafter become valid claims against said fund by and under the laws of the State of Alabama. Present and future claims

SEC. 7. *Be it further enacted*, That the provisions of this act shall not in any manner affect any of the rights and claims which any person may have acquired against the fine and forfeiture fund of Jefferson county. Effect of this act

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

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AN ACT

[H. 558

To confer certain powers, rights and privileges in the State of Alabama, upon the Atlanta and Birmingham Railroad Company, a corporation chartered under and be virtue of the laws of the State of Georgia.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Atlanta and Birmingham Railroad Company, a corporation duly chartered and created under and by virtue of the laws of Georgia be and the same is hereby authorized to construct a double or single line of tracks from the point on the line between Georgia and Alabama, to which its roads through Georgia may be constructed into and through the State of Alabama, to and into the City of Birmingham, Jefferson county, Alabama, and to maintain and operate the same. Route

SEC. 2. *Be it further enacted*, That the said Atlanta and Birmingham Railroad Company is hereby granted all the powers conferred by the general laws of this state as to the obtaining, holding, granting, selling, mortgaging and leasing its property, real and personal franchises of every kind and description which it now has or may hereafter acquire necessary to carry Powers

out its corporate purposes or to raise money and to issue and negotiate its bonds payable at such times and places together with such rate of interest thereon as at may deem best for its purposes.

Office and agent      SEC. 3. *Be it further enacted*, That said Atlanta and Birmingham Railroad Company before doing any business in the State of Alabama shall establish an office and appoint at least one authorized agent in this state upon whom process may be served and be otherwise subject to all the laws of the State of Alabama as though it were a domestic corporation.

Along line of other roads      SEC. 4. *Be it further enacted*, That the said Atlanta and Birmingham Railroad Company may cross or build along the right-of-way of any other railroad and shall have the right to condemn any portion of the right-of-way of another railroad company whenever the same shall be necessary in the construction of its road on the proposed route; *Provided*, the same shall in no way interfere with the full and proper use and enjoyment of its track and the proper operation of its railroad by the railroad company then in possession of said roadway; *And further provided*, that said Atlanta and Birmingham Railroad Company shall have the right to condemn on such roadway a space sufficient to construct its roadway and track and operate the same, and no more; *And provided further*, that said railroad company shall have the right to construct and operate its said railroad on, along and across the streets of incorporated towns or cities into which its said route may lie; *Provided*, the consent of the corporate authorities of said towns or cities be first had and obtained; *And further*, shall possess all the powers conferred and to be hereafter conferred by law upon railroad companies organized under the general laws of this state.

Along streets      Powers

Laws in conflict repealed      SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 18, 1891.



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## AN ACT

[H. 411

To establish a charter for the town of Oneonta.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the inhabitants of the town of Oneonta, in Blount county, shall be and continue a body politic and corporate by the name of the city of Oneonta and by that name may be sued, receive and grant and do all other acts as natural persons in respect of the powers herein granted; may purchase and hold real, personal and mixed property and dispose of the same for the benefit of said city, and may have and use a city seal which may be broken, or altered, or changed at pleasure. Name, rights, etc

SEC. 2. *Be it further enacted,* That the corporate limits of said city of Oneonta shall embrace and be the boundary lines of the Oneonta Land and Improvement Company, and the Oneonta Land Company as surveyed and platted and filed for record in the office of judge of probate of Blount county; and said corporate limits may be enlarged or contracted by the corporate authorities of said city; said corporate authorities may divide said city into one ward which may be increased to three or more when said authorities think proper, and altered or changed as the authorities see fit; said alteration and changes being always made so as to apportion representation as near as may be to the popular vote. Corporate limits

SEC. 3. *Be it further enacted,* That the government of said city shall consist of and its corporate powers be exercised by a mayor and four aldermen or five aldermen in case of increase as aforesaid, two aldermen for each ward who shall be elected on the first Tuesday in the first month following the passage of this bill and annually on the first Tuesday in January thereafter by ballot by the male inhabitants of said city of and over 21 years of age who have resided in the state twelve months, in the county three months and in the ward thirty days next preceding said election, and are qualified electors under the general election laws of Alabama; that should the election not occur on the day fixed for the annual election of Annual elections

mayor and aldermen, the corporation shall not for that cause be dissolved; but the incumbents shall remain in office until their successors are duly elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day said election shall be held, and should the mayor and aldermen fail to provide for the election annually, they shall be guilty of a misdemeanor. The officers elected shall hold their office until their successors are elected and qualified.

Managers,  
etc

SEC. 4. *Be it further enacted*, That the mayor and aldermen of said city shall designate the place of holding elections, shall appoint three managers of elections, who shall be legal voters of said city, shall prescribe the manner of holding elections, and ascertain and declare who are duly elected. In case of a tie between any two or more candidates for the same office, the mayor and aldermen shall elect between such candidates and decide who shall fill the office in question, and vacancies in any of the city offices from any cause shall be filled forthwith by the mayor and aldermen. The corporate authorities of Oneonta may appoint more polling places than one but not to exceed one in each ward and there shall be three managers of each election for each polling place two of whom shall be members of opposing political parties if practicable.

Ballots

SEC. 5. *Be it further enacted*, That the ballots cast at any election under this act shall after counting the same, be sealed up by the mayor and aldermen of said city and deposited with the clerk of the circuit court of Blount county, Alabama, who shall preserve the same for twenty days after the election is declared; then if there is no contest said clerk shall destroy the same, but in the event of contest the same shall be delivered to the judge trying such contest. That any election under this act may be contested in the same manner as is now or may hereafter be provided by the laws of this state for the contest of elections for judge of probate, so far as the same will apply to contests under this act.

Contests

Qualifications  
of mayor and  
aldermen

SEC. 6. *Be it further enacted*, That no person shall hold the office of mayor or alderman of said city who has not resided therein one year next preceding the

election, and the alderman must be a resident of the ward and a qualified voter therein for which he is elected at the time of election.

SEC. 7. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at the regular place of meeting, adjourn from day to day, and compel attendance of absent members in such manner and under such penalties as the board may prescribe, that the board may prescribe its rules of procedure, fine its members for absence or disorderly behavior and fill all vacancies that may occur by death or otherwise. In the mayor's absence at any meeting of the board the members present may select a presiding officer, and in case of the mayor's sickness or his temporary absence from the city, or his incompetency by reason of his interest or heirship, or other inability to discharge the duties of his office, he may appoint an alderman to act as mayor in his stead, and such mayor pro tempore shall have all the powers of the mayor and shall perform all his duties.

Meetings

Mayor pro  
tem

SEC. 8. *Be it further enacted*, That it shall be the mayor's duty to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever in his opinion the interest of the city requires; he shall keep his office in said city and hear and determine all cases of violation of all by-laws or ordinances, or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe, and he shall possess within the corporate limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace that has not already come before him as mayor of said city. From any judgment or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the circuit court of Blount county, Alabama, upon defendant entering into

Duties of the  
mayor

Appeal

Jurisdiction  
of mayor

bond with good and sufficient security to appear at the term of the court to which the appeal is taken and from term to term thereafter until discharged by law to abide by and perform whatever sentence may be adjudged against him—the bond to be payable to the city of Oneonta in such penalty as the mayor may prescribe and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him; and if the fine be not paid, or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged as provided by the ordinances of said city upon conviction before the mayor. In case defendant do not appear at trial, but makes default, his bond shall be declared forfeited and judgment shall be rendered thereon against defendant and his sureties as in state cases except that the judgment shall be in favor of the city of Oneonta; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion *scire facias* or other writs instituted for the collection of any fund, or bond payable to the city of Oneonta, taken under this act or under the ordinance of said city passed in pursuance of this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as execution from justice court. Said mayor shall have the right when the good or safety of the city may require it to demand the aid of the sheriff of Blount county for the protection of said city; he may punish any contempt while holding his court or while the board is in session, by fine not exceeding twenty-five dollars and by imprisonment for not longer than ten days, one or both. He shall, at least every four months, make a written statement to the board of the financial condition of the city, which statement shall be published in at least one of the papers published in the city; he shall have the power to suspend the mar-

shal or any policeman until the next regular meeting of the board, and report to said meeting the facts of such suspension and its cause; and he shall do and perform such other and further duties as the board may require; and he may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with subpoena.

SEC. 9. *Be it further enacted*, That the board may appoint a city marshal, clerk and treasurer of said city, and such other officers as they may see fit and think necessary for the good government of said city, and prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure, and fix their salaries. For any breach of the bond of such officers suit may be brought and recovery had before any court having jurisdiction, and such suit may be governed in same manner as other like suits. The city council shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor, and the same shall be of the force and effect of a record and a copy thereof duly certified by the clerk shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection. Appointed  
officers  
  
Record of  
proceedings

SEC. 10. *Be it further enacted*, That the marshal shall have in said city all the powers of a constable, and shall be entitled to all the fees of such officer. He shall possess in said city all the powers of a peace officer; he shall execute the orders, notices and processes of the board and the mayor, and may arrest without warrant for all violation of city ordinances committed in his presence; but for other violations of said ordinances arrests must be made with warrant; he shall perform such other and further duties as the board may prescribe. Powers of  
marshal

SEC. 11. *Be it further enacted*, That the mayor and aldermen of said city shall have full and complete

Powers of  
mayor and  
aldermen

powers: 1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said city as they may think proper and generally, and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers; to ordain and pass such ordinances and by-laws not inconsistent with the laws of the state as shall be needful for the government, police interest, wellfare and good order of said city, and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the city not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said city failing to pay or secure such fine may be imprisoned for such failure or placed at hard labor for the city until such fine and costs are paid in such manner as the board may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same; but if after such bond and security such fine and cost be not paid in thirty days, execution to collect the same may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on streets or elsewhere in the city who refuse to work when under mayor's sentence for violation of any city ordinance; but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said city, and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof, and punish any breach of quarantine law. 3. To prevent and remove all nuisances at the expense of persons causing the same, or on whose premises the same may be found; to remove all decayed and dilapidated houses, or structures calculated to produce disease or dangerous or unfit for habitation, at the expense of owner of same, when they fail or refuse upon



reasonable notice to remove or renovate the same, and repair such houses and structures. 4. To establish, set up and regulate hospitals, work-houses and houses of correction. 5. To license, tax, regulate or restrain theatrical and other amusements, and selling, retailing or giving away spirituous or malt or intoxicating liquors or beverages. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize-fighting, cock-fighting and anything else hurtful to the good order and morals of society, and all misdemeanors and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe; when said implements and devices are brought to Oneonta, or made or kept or found there to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police patrol and captain thereof. 8. To divide the city into wards, and to regulate and change the same. 9. To establish, regulate and control markets and market houses, and to pass by-laws for the sale of meats, vegetables and other articles within certain places and within certain houses. 10. To sink, repair and regulate public wells and cisterns; to establish and regulate fire-plugs and public hydrants, and to make all needful provision to supply the city with water, gas and gas lights and electric lights, and to control street lamps. 11. To open, locate, repair and regulate and establish alleys and streets, and to change, alter, abolish and vacate them or any part thereof; to establish avenues, pavements, sidewalks and curb and grade them, and regulate the same, and to make all the salutary by-laws respecting the use of the streets. 12. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same, and to compel owners of lots or real property to drain the same and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails or refuses to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which said tax shall have the lien of and be enforced and collected like other taxes. The

Powers of  
mayor and  
aldermen

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Powers  
of mayor  
and alder-  
men

board may extend drains and sewers beyond the city limits when necessary. 13. To establish, lay out, regulate and locate public parks. 14. To establish and regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden buildings or structure, paying the owner a reasonable price therefor; to require all owners of theaters, opera houses and all other houses where the public assembles in mass to provide said houses with fire-escapes and suitable exits. 15. To lay out, regulate and control city cemetery burial grounds and to sell burial lots in same. 16. To prevent the running at large on the streets of all dogs, cows, hogs, horses or other animals, and to pass all laws in the judgment of the board necessary for the sale and impounding of said animals on proper notice to the owners thereof. 17. To regulate and control running of cars on or across streets, avenues or alleys of said city, and to control the speed of such cars and locomotives in said city. 18. To pass all necessary and proper laws for the arrest, with and without warrant, of all offenders against the city ordinances or state laws, and to confine such persons until tried, convicted or discharged by law. 19. To pass laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. 20. To make and ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for condemnation to hard labor for the city for a limited time, not exceeding thirty days. 21. To punish all persons who obstruct the marshal or other officer in the arrest of any person in said city, or in the lawful discharge of any duty in said city, and to prevent all persons who when called upon to aid in arresting any person, fail or refuse to give such aid. 22. Said board may establish necessary inspection, fix and regulate the assize of bread and provide for the weighing and measuring of all kinds of produce for

man or beast and regulate the same. 23. To regulate and control the manner of building partition walls and fences; to regulate the keeping and storage of gunpowder and other dangerous material, guano or other commercial fertilizers within the city; to regulate and control the sweeping of chimneys, the use of lights, stove pipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire, and to extinguish the same. 24. To require property owners to keep the sidewalks in front of their property in good order, and to pave the same when the board shall so order; to repair, keep in good order and pave sidewalks in front of such property whose owners shall, after being so ordered, fail or refuse to repair, keep in good order or pave said sidewalks for five days after notice, and to tax same against such property, which tax shall have the lien of and be enforced and collected as other taxes. 25. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares; to supply the city with pure water and for all other public municipal purposes proper on making just compensation to owners of lands condemned, and the general laws of the state applicable to *ad quod damnum* suits and proceedings shall apply in all such cases. To build drains and sewers and to supply the city with water the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary. 26. To have and exercise full police powers in said city; to prevent crime and arrest offenders; to protect the rights of persons and property; to preserve the public peace and for this purpose may command the aid and assistance of the sheriff of Blount county and all voluntary military companies in said city whenever the mayor may deem the same necessary. 27. To grant the right of way through the streets, avenues and squares of said city for the purpose of street and other railroads, telephones, telegraph and electric light companies, and for laying pipes of gas and water companies. 28. To punish injuries to streets, sidewalks and trees, and to private and city property.

SEC. 12. *Be it further enacted*, That this act is

This is a  
public act

declared to be a public act and may be read in evidence in all courts of law and equity; and all ordinances, resolutions and proceedings of the city may be proved by the seal of the corporation attested by the city clerk, and when printed, purported to be published by authority of the corporation the same shall be received in evidence in all courts and places without further proof.

Authority to  
license, etc

SEC. 13. *Be it further enacted*, That the mayor and aldermen of Oneonta shall have authority to license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery-stable keepers and all other privileges, and also to license, tax and regulate machinery, carriages, carts, omnibuses, wagons, drays and all other vehicles.

Authority to  
levy and col-  
lect tax

SEC. 14. *Be it further enacted*, That said city council have authority to levy and collect from all persons, firm or corporation trading or carrying on any business, trade or profession by agent or otherwise, in said city, a license tax, which shall be fixed and declared by ordinance, and the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation; *Provided further*, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees. The corporate authorities may also by ordinance impose such fines and penalties within the limitation of this act as they may deem advisable for the doing of any business, or carrying on any trade or exercising any privilege or practicing any profession by any party who shall fail to take out such license as may be imposed by the corporate authorities.

Rate of tax

SEC. 15. *Be it further enacted*, That the corporate authorities of the city of Oneonta may levy and collect each year upon all real and personal property and all subjects of state taxation within said city, except the subjects enumerated in section 454 of the Code of Alabama, and except the tax levied on polls, a tax not exceeding one-half of one per cent. of the value of such property, or subjects of taxation as assessed

for state taxation during the year preceding that for which the corporation authorities may assess and levy the tax above provided for, and there shall be no exemption from such taxation; *Provided*, that personal property and subjects of taxation not in said city on the first day of January, 1891, or any subsequent year, but brought into said city during the year 1891 or any subsequent year, shall be assessed and taxed pro rata for the remainder of the year from the date it may be brought into said city; *And, provided further*, that in case any property has escaped taxation in previous years the clerk or tax assessor shall assess the same to be collected as other taxes are collected; *And, provided further*, that if there was any property in the city after the first day of January, of the then current year, which was not in the city on the first day of January of the preceding year, or if there were any improvements on the first day of January of the then current year erected on property materially enhancing the value of such property, when said improvements had not been erected on the first day of January of the preceding year and consequently not assessed for state taxation during the preceding year, then it shall be lawful for the city clerk or tax assessor, and it shall be his duty to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for state taxes for the preceding year, and the taxes so assessed shall be collected as other assessments are collected. All property used exclusively for charitable, educational and religious purposes, or either of them, shall be exempt from taxation by said city.

SEC. 16. *Be it further enacted*, That the taxable property of each tax-payer and the subjects of taxation on which he is taxable, and the amount of value of each item thereof as valued by the assessor of Blount county for the preceding year, mentioned in section fourteen, shall be ascertained and fixed by the aforesaid tax assessor's books of such year made by him according to law, and any supplementary assessment that may be made by him for such year, all corrected according to the laws of Alabama.

Valuation  
fixed by  
county as-  
sessment

Assessor's  
book

SEC. 17. *Be it further enacted*, That the corporate authorities shall cause a copy of such tax assessor's books corrected as aforesaid, for each preceding year, to be made and entered in a bound book properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act; but when the property or subjects have changed owners since said assessments were made on it by said assessor, said copy shall be corrected so as to show the true owner at the beginning of the year, for which the tax provided for in this act is to be laid, and so as to show against whom the tax on each is laid if the property has since such assessment been destroyed or greatly damaged by fire or other cause; this shall also be rated with the estimated amount of damage.

Hearing  
objections

SEC. 18. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of the city of Oneonta, where it shall remain open to public inspection, and notice of the fact shall be immediately given by said clerk by publication of a notice to such effect, for ten consecutive days in some newspaper published in Oneonta. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid shall within twenty days, file with the clerk his affidavit to that effect, and if he knows the owner shall state who it is or that he does not know. Any tax-payer may file objections as to the correctness of said book as a copy of the aforesaid book of the tax assessor of Blount county stating wherein said copy does him injury. Upon notice by the clerk that these objections have been filed said mayor and aldermen shall meet and determine all objections and correct said book accordingly, and their decision on such objections and as to all corrections to be made shall be final. Said mayor and aldermen shall continue its session from day to day until all objections are disposed of and no longer.

Quorum

SEC. 19. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as pos-



sible after the lapse of twenty days said board shall lay and levy for the current year the tax authorized by this act on all property and subjects of taxation so listed and valued in the book heretofore mentioned corrected as aforesaid.

SEC. 20. *Be it further enacted*, That the taxes so levied under this act shall have the force and effect of Lien for taxes a judgment at law against the person assessed therewith and for said taxes so levied and all other taxes so authorized by this act the city of Oneonta shall have a preferred lien over all encumbrances and securities whatsoever except county and state taxes and all taxes against the property of any person under this act or for which such person may become liable for the current year shall be a lien upon the real and personal estate of such person within said city of Oneonta from the first day of January of the year, or if brought in there after that time, the lien shall attach from the time it is brought into the city.

SEC. 21. *Be it further enacted*, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the city of Oneonta, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper in Oneonta or by posting the same in three public places in said city, that he is ready to receive payment of taxes. Taxes not appearing in said book but authorized by this act will be collected on the warrant of the mayor directed to the tax collector commanding and authorizing him to collect said taxes. Mayor's warrant for collection

SEC. 22. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice the city tax collector shall make personal demand on delinquents, wherever they may be found for their taxes and costs, and whenever unable to find them shall leave a written or printed notice at the place of residence of such taxpayers, requiring them to come forward and pay such taxes and costs immedi- Duties of collector

ately, and for giving such notice the tax collector shall collect fifty cents, and it shall be the duty of such delinquent forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to taxpayers who are non-residents of said city.

SEC. 23. *Be it further enacted*, That the collector of taxes shall be charged with and accountable for the whole amount of the taxes assessed for the year and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for collection.

Delinquent  
taxes

SEC. 24. *Be it further enacted*, That all taxes laid under this act, which are not at the end of ninety days from the publication of the notice required in this act paid shall be in arrears and delinquent from that date, and after the expiration of said ninety days as aforesaid the tax collector may levy and seize any personal property if there be any and if there be none or not sufficient personal then upon the real estate of such delinquent taxpayers; *Provided*, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of such delinquent taxpayers for taxes and costs of sale, and personal property sold for taxes shall be subject to redemption; and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

When tax  
payer about  
to leave

SEC. 25. *Be it further enacted*, That it shall be the duty of the tax collector whenever upon information or otherwise he has good reason to believe that any person owing taxes whether due or not is about to leave or remove his property from the city and thereby the collection of such taxes is in danger to make out and certify to the mayor of the city a bill against such person for the amount of such taxes and fees due thereon and upon the approval thereof by the mayor in writing indorsed thereon such writs shall operate as a writ of fieri facias which the collector is authorized to execute by levy and sale in same manner as sheriffs are authorized to execute such writs when issued out of the circuit court and on the failure of the

collector to act in the cases provided for in this section he shall be liable for the taxes against such person.

SEC. 26. *Be it further enacted*, That when real estate is levied on for taxes notice of the sale shall be given ten days before the sale in some newspaper published in Oneonta, and the lands so levied on must be described by such numbers and abbreviations as will clearly indicate the lands to be sold, and the sale of such property shall take place in front of the post office in Oneonta, commencing on the day indicated in the notice and continuing from day to day until completed. Advertising

SEC. 27. *Be it further enacted*, That at all sales by the tax collectors of property for taxes he shall attend Tax sales and bid off for the City of Oneonta as purchaser all the lots and lands on which the tax collector cannot get a bid from other persons for the taxes and expenses of the sale and the city of Oneonta shall have a certificate of purchase and be invested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: "I....., tax collector of the City of Oneonta, do hereby certify that the city taxes for the year 18..... (or the particular tax or assessment, as the case may be), amounting in all to \$....., being due and unpaid by A. B., the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.), and for costs of levy and sale to (C. D.), who has paid the amount of taxes due as above, the following piece, parcel or or lot of land in the City of Oneonta, and described as follows: ..... By virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness thereof I have hereunto set my hand and affixed the seal of this corporation this the ..... day of ..... 18....., ..... *Tax Collector*. Said certificate shall be prima facie evidence of the regularity of the previous proceedings and of all the

Right to re-  
deem

foils therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment or sale unless the person impeaching said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on said assessment and the preceding tax sale were paid at the time of such sale. Any real property sold under this act may be redeemed by the owner or any person interested therein within two years after said sale, by paying to the city of Oneonta the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office a book provided for the purpose and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption, and on such record and when the purchaser or his assignee shall demand the money paid on such redemption he shall pay the same to him upon the surrender of the certificate of purchase, and on his failure to do so he and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the parts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated, and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to such lot or parcel of land sold and unredeemed, and deliver the same to the purchaser or his assignee upon return of certificates of purchase, pay-

Tax deed

ment of all subsequent taxes on the property and one dollar for the deed, but any number of parcels of real property for which one person may hold certificates of purchase may be included in one deed. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded, shall vest in grantee all rights, titles and estate of former owners, free from all encumbrances made or suffered by them except state and county taxes. Such deeds shall be prima facie evidence in all courts of this state in all controversies and suits in relation to the rights of the grantee therein to the land conveyed or the facts recited in such deed, of the regularity of all proceedings in assessment and sale of said property by this act, and for the titles of the grantee, his heirs and assigns.

SEC. 28. *Be it further enacted*, That should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing the provisions contained in the code of Alabama, or any part of such provisions for the collection of taxes, so far as the same will apply, and have the same right to sell property and make titles to property sold for taxes as is provided for collecting state and county taxes, and said corporate authorities in adopting provisions, shall, by adopting ordinance, declare which of such provisions they adopt, and in such ordinance they may change the provisions so as to substitute the city tax collector for that of state and county, and so as to adopt the provisions relative to state and county taxes to the collection of the taxes herein authorized, and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; *Provided*, that this mode of collection shall not prevent collecting of such in any other manner than herein provided.

SEC. 29. *Be it further enacted*, That said corporate authorities may require all male inhabitants of said city who have resided therein for ten days and who are between the ages of eighteen and forty-five years, to work upon the streets of said city for at least five days in each

Means of  
collecting

Working on  
streets

year under such officer as the board may appoint; *Provided*, that any person so required to work may relieve himself therefrom by paying into the city treasury a sum of not more than five dollars; *And provided further*, that the inhabitants of said city shall be exempt from road duty outside of said city limits.

Unlawful  
contracts

SEC. 30. *Be it further enacted*, That it shall be unlawful for any officer of said city to make or enter into with the city authorities any contract for work or services, or for material and supplies, and any such contract shall be void; nor shall any officer or person charged with the collection of taxes or licenses or dues for said city, unless it be to dispose of warrants that may have issued directly to such person due, or to in any manner offer any claim, warrant or liability against said city, and any person violating this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars.

Misde-  
meanor

Registration

SEC. 31. *Be it further enacted*, That the board of mayor and aldermen of said city, whenever they see proper to do so, may provide for a registration of the voters of said city, and such registration shall be made under such lawful rules and regulations as the board may prescribe.

Laws in con-  
flict repealed

SEC. 32. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and all the powers granted by this act shall and must be liberally construed in favor of the power of the city to pass such laws.

Approved February 18, 1891.

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AN ACT

[H. 973

To fix the times and places for holding the courts in the Third Judicial Circuit of the State of Alabama.

Third circuit SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the courts in the several counties of the Third Judicial Circuit of Alabama, shall be held at



the court houses in the several counties thereof in each year as follows :

In the county of Bullock, at Union Springs, on the second Mondays in February and August, and continue two weeks.

In the county of Henry, at Abbeville, on the third Monday after the second in February and August, and continue one week ; and at Columbia in Henry county on the fourth Monday after the second Monday in February and August, and continue two weeks.

In the county of Dale, at Ozark, on the sixth Monday after the second Monday in February and August, and continue two weeks.

In the county of Geneva, at Geneva, on the eighth Monday after the second Monday in February and August, and continue one week.

In the county of Coffee, at Elba, on the ninth Monday after the second Monday in February and August, and continue one week.

In the county of Russell, on the tenth Monday after the second Monday in February and August, and continue three weeks.

In the county of Lee, at Opelika, on the thirteenth Monday after the second Monday in February and August, and continue three weeks.

In the county of Barbour, at Clayton, on the sixteenth Monday after the second Monday in February and August, and continue two weeks ; and at Eufaula, in Barbour county, on the eighteenth Monday after the second Monday in February and August, and may continue three weeks.

SEC. 2. *Be it further enacted* That this bill shall not go into effect until the first day of August, 1891 ; *Goes into effect* *Provided, however,* that no regular term of the circuit court of Dale county shall be held in and for said county in July, 1891, as provided by the statute in force on the 13th day of February, 1891, but the judge of the 3rd judicial circuit of Alabama may hold a special term of said court in said last named county in July, 1891, under the general provisions of law.

Approved February 18th, 1891.

To amend sections four and six of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections therein.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section four of an act entitled an act to prevent stock from running at large in the several beats of Randolph and Calhoun counties and to authorize elections therein, approved February 27, 1889, be and the same is hereby amended so as to read as follows: Sec. 4. *Be it further enacted,* That for any damage done by stock running at large in such prohibited territory, the owner shall be liable to the injured party in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage, and the court entering the judgment shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell said stock for the satisfaction of the judgment; *Provided,* that owners of stock shall not be liable for damage under this act for any stock entering from non-prohibited districts into prohibited districts established after the passage of this act, unless a lawful fence is kept up along the line dividing such districts; *Provided,* that the provisions of this act shall not apply to Roanoke beat, No. 10, Randolph county.

Stock law  
amended

SEC. 2. *Be it further enacted,* That section six of said act be and the same is hereby amended so as to read as follows: Sec. 6. *Be it further enacted,* That the petitioners shall pay the costs of holding any election provided for in this act; *Provided,* that the provisions of this act shall not apply to Calhoun county.

Costs

Approved February 18, 1891.

393]

## AN ACT

[H. 206

To amend sections 4 and 11 of an act entitled an act to establish the criminal court of Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4 of an act entitled "An act to establish the criminal court of Jefferson county" be, and the same is hereby amended, so as to read as follows: Sec. 4. Be it further enacted, That the judge of said court herein established, shall receive as a salary the sum of three thousand dollars per annum, to be paid monthly out of the general fund of the county treasury of said county. Salary of judge

SEC. 2. *Be it further enacted*, That section 11 of said act be, and the same is hereby amended, so as to read as follows: Sec. 11. Be it further enacted, That said court shall be held, and the office of the clerk and the records thereof shall be kept at the court house of said county of Jefferson; said court shall hold three regular terms in each year, which shall commence on the first Mondays in January, April and September, and said terms may continue in session until disposition of the business thereof is made; *Provided*, said court adjourn ten days before the beginning of the next ensuing term; *And provided further*, That at the April term thereof said court shall adjourn on or before the first Monday in July; *Provided further*, That the juries as drawn by the board of jury commissioners of said county, whether grand or petit juries, for the months of July, September, October, November and December of the year A. D. 1891, shall be the juries to serve for the weeks for which they were drawn, without reference to any change of *terms* of said court as made by this act. Court held at courthouse  
Three terms, etc

Approved February 18, 1891.

394]

## AN ACT

[H. 762

To amend section seven of an act entitled "An act to regulate the mode of selecting, drawing and impan-

eling grand and petit jurors for the county of Mobile," approved February 20th, 1883, and likewise to amend sections two and five of an act entitled "An act to amend sections four, five, thirteen and seventeen;" of an act entitled "An act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for Mobile county, approved February 20th, 1883," and to amend as well, sections one, two and five of an act approved February 16th, 1885, entitled "An act to amend sections six, eight, ten, eleven and thirteen," of an act entitled "An act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for Mobile county, approved February 21st, 1883," approved February 24th, 1887.

Drawing  
juries

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section seven of an act entitled "An act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for the county of Mobile," approved February 20th, 1883, be amended so as to read as follows: Sec. 7. Be it further enacted, That at least twenty days before any regular or special term of the circuit court, which may be held in said county, after said boxes have been prepared as directed, in section five of this act, it shall be the duty of the judge of probate to call said commissioners together, at his office, in order to draw a sufficient number of petit jurors to serve for the first two weeks of the approaching term of said court. When a sufficient number of said commissioners shall have met and organized, one commissioner shall, in the presence of the rest, draw from the "circuit court jury box" thirty-six names, which shall be recorded as they are drawn as the petit jurors for the first week of each term, and in the same way thirty-six names shall be drawn and recorded as petit jurors for the second week of said term. When said drawing is at an end, the said jury box shall be locked and securely sealed by the presiding officer of said commission, and the key delivered to the judge of probate. As soon as said drawing is at an end the said slips which have been drawn shall be delivered to the clerk of said court, who shall carefully

preserve the same until the meeting of said court. It shall be the duty of said clerk to direct at once to the sheriff two writs, in which said sheriff shall be commanded to summon for the two first weeks of said term the persons so drawn as petit jurors and named in said writs, to appear in said court at the time stated in said writ as soon as the said circuit court shall convene it shall be the duty of the judge of probate to deliver to said court, when in session the circuit court jury box, and the key of the same to the clerk of said court, who shall remain the custodian of said box and key as long as said court shall remain in session. Before said court shall adjourn, it shall be the duty of the presiding judge to direct the clerk to lock and securely seal said box in open court and return it with the key to the judge of probate. Whenever the judge of the said circuit court shall consider it necessary for the public interest to draw and impanel a grand jury in said circuit court he shall have the power in term time to direct the clerk of said circuit court to draw out of the jury box of said court twenty-one names, which shall be recorded as they are drawn on the minutes of said court, and the persons so drawn shall be summoned to appear as grand jurors in said circuit court at such time as the said court shall direct, and from said twenty-one persons a grand jury of eighteen shall be impaneled as herein directed for grand juries in the city court and the number thereof sworn as the general law directs. Whenever any jury or juries, grand or petit, drawn and summoned under the terms of this act to appear in said circuit court shall be incomplete from any cause, the judge of said court shall direct the completion of said jury or juries in the precise manner marked out for the completion of juries in the city court in the sixth section of this act.

Drawing  
juries

SEC. 2. *Be it further enacted*, That section two of an act entitled an act to amend sections four, five, thirteen and seventeen of an act entitled an act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for Mobile county, approved February 20th, 1883; and to amend as well sections one, two and five of an act approved February 16th,

Duties of  
comm'rs

1885, entitled an act to amend sections six, eight, ten, eleven and thirteen of an act entitled an act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for Mobile county; approved February 20th, 1883; approved February 24th, 1887, be amended so as to read as follows: Section 2. Be it further enacted, that commissioners shall be charged with the performance of the following duties, viz: Out of the persons heretofore declared to be subject to jury duty under the provisions of this act it shall be the duty of said commissioners to select 2,000 persons who shall be most competent in the opinion of said commissioners to discharge the duties of grand and petit juries with honesty, impartiality and intelligence, and who are esteemed in the community for their integrity, fair character and sound judgment, and who are not known by said commissioners to be exempt from jury duty. Upon the completion of a roll or list of jurors, said commissioners shall cause to be prepared slips of strong white paper of equal size and texture on which shall be written in a plain and distinct hand the name of every person whose name has been entered on said roll, but only one person's name shall be entered on one slip. All persons on said roll resident within the city of Mobile, shall have written on the slips bearing their names the word "city," and all persons who reside outside of said city limits, shall have written on the said slips bearing their names the word "county." Said commissioners shall also procure two strong metal or wooden boxes provided with secure locks and keys, one of which boxes shall be marked "city court jury box," the other "circuit court jury box." After said boxes shall have been provided as herein directed and after said slips shall have been prepared and folded, the said commissioners shall deposit them in said boxes as follows: The slips shall first be placed in a common receptacle, from which said commissioners shall draw by lot one-fourth of the number so prepared; which shall be deposited as they are drawn in the circuit court jury box: the remaining three-fourths shall then be deposited in the city court jury box. Said boxes shall then be securely sealed and locked by the presiding officer of



said commission, and the keys thereof delivered to the judge of probate, who shall be the custodian of said boxes and keys except as hereinafter provided. The names of the persons selected and drawn, with the residence of each one, shall be written in alphabetical order in two lists, each list to be signed by the presiding officer of the commission with the proper date thereof: one containing the names of the persons so drawn as jurors for the circuit court, the other names of the persons so drawn as jurors for the city court, which lists shall be entered in a well bound book to be known as the jury book for Mobile county, and this book shall be kept in the office of the judge of probate court as a public record of said county. Said commissioners are hereby authorized to employ from day to day while in session a faithful and competent clerk to discharge in their presence, such duties as they may require of him, and the compensation of such clerk, together with all other expenses requisite for the purchase of boxes, books and stationery necessary in the execution of this act shall be paid out of the county treasury as other expenses of said county are paid, when the same shall be certified by the president of said commission.

Duties of  
comm'rs

SEC. 3. *Be it further enacted*, That section five of an act entitled an act to amend sections four, five, thirteen and seventeen of an act entitled an act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for Mobile county, approved February 20, 1883, and to amend as well sections one, two and five of an act approved February 16, 1885, entitled an act to amend sections six, eight, ten, eleven and thirteen of an act entitled an act to regulate the mode of selecting, drawing and impaneling grand and petit jurors for Mobile county, approved February 20, 1883, approved February 24, 1887, be amended so as to read as follows: Section 5. *Be it further enacted*, that when the said judge of probate shall ascertain the fact that less than two hundred names are contained in the city court jury box, or less than one hundred names are contained in the circuit court jury box, it shall be his duty at once to convene the jury commissioners, and when convened it shall be

Duty of  
judge of probate

Duty of  
probate  
judge

their duty to refill each of said boxes by a new selection in the manner provided by the fifth section of this act. The names of those, however, remaining in the boxes shall be retained as a part of the names with which said boxes shall be refilled, so far as the same shall appear to be subject to jury duty. And jury commissioners shall have the power to examine the contents of said boxes, or either of them in order to ascertain whether it is necessary to refill the same. But if from any cause during the session of the city or circuit court, the names of jurors marked city are exhausted from the box or reduced to so few that a jury cannot be conveniently or promptly obtained or completed therefrom, and the business of the court would be delayed by waiting for the refilling of the box by the commissioners, the presiding judge of the court, where such inconvenience occurs, may summon the custodian of the jury box of the other court to bring with him such box, with the key thereto, and the clerk will open the same in the presence of the court and draw therefrom a number of slips containing the names of jurors sufficient to organize a complete jury, in the same manner and according to the same rules provided by this act for the drawing of jurors. And immediately after such drawing is had the clerk will replace in such box the slips containing the names of those jurors who are drawn but not impaneled, and then in the presence of the court will fasten, seal and secure the box as it was fastened, sealed and secured when brought into such court, and deliver the same with the key to its proper custodian.

Approved February 18, 1891.

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AN ACT

[H. 1001

To establish a new charter for the town of Clayton in Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Clayton shall hereafter consist of an intendant, five councilmen and one mar-

shal, who shall be elected biennially on the first Monday in April, by the qualified voters of said town, and said corporation shall be known and styled, "The Town Council of Clayton," and by that corporate name may sue and be sued, contract and be contracted with, sell, buy, grant and hold real and personal property, and do all other acts incident to municipal corporations not inconsistent with the laws and constitution of this state.

Name, rights,  
etc

SEC. 2. *Be it further enacted*, That the corporate limits of said town shall embrace all the territory within twenty-five hundred yards square, the court-house in said town where it now stands being the centre of said square.

Corporate  
limits

SEC. 3. *Be it further enacted*, That the next election held shall be held on the first Monday in April, 1891, under rules and regulations prescribed by the present town government as existing under the present charter, and afterwards such election shall be held under rules and regulations to be prescribed by the town council as organized hereunder. At such election the male inhabitants of said town who have resided therein for thirty days next preceding such election, and are otherwise qualified electors under the state law to vote in state and county elections are qualified voters, and shall be allowed to vote. No person not eligible as a voter shall be deemed eligible to hold an office in such town council. The sitting board of councilmen are to declare what persons are elected at such election, and are to be the judges before whom all matters of contest growing out of the same are triable. At all biennial elections hereafter to be held for the election of an intendant, five councilmen and a marshal for said town, all voters who are qualified electors under the general laws of this state and in said county, who have resided in said town for thirty days next preceding the election, at which they propose to vote shall be entitled to vote in said elections; *Provided however*, that in all cases of vacancies in the office of intendant, councilmen or marshal, or any vacancy in any other office, the board of intendant and councilmen or the council, if there be no intendant acting at the time shall elect any and all officers to fill such va-

Elections

cancies, or vacancy, and such officer or officers so elected shall hold office until a successor or successors are elected and qualified under the other provisions of this act.

Oath of office      SEC. 4. *Be it further enacted*, That the members elected to said town council shall before entering upon the duties of their office, take and subscribe to the oath prescribed by the state law to be taken by persons elected under the state laws to office.

Powers of town council      SEC. 5. *Be it further enacted*, That said town council shall have full power and authority to define the duties and regulate the compensation of its members, and fill vacancies in the board; and further, it shall have full power and authority to appoint such subordinate officers as is necessary for the proper enforcement of the town laws, prescribe their duties, fix their compensation and remove them from office in such manner as they may provide when in their judgment it may be for the good of the town. Further, said town council shall have authority to remove any member thereof for any of the causes now provided by the statutes of the state as a cause of impeachment, and removal from office of any officer holding office under the state.

Authority to pass by-laws etc      SEC. 6. *Be it further enacted*, That said town council shall have full power and authority to pass such by-laws and ordinances for the government of said town as may be deemed necessary, not inconsistent with the laws and constitution of this state, and affix penalties for the violation of the same by way of fine and imprisonment in the common guard-house of the town, or hard labor on the streets of said town, not to exceed \$50.00 in amount and thirty days in duration.

Authority to license, etc      SEC. 7. *Be it further enacted*, That said town council shall have full power and authority within the limits of said town to license, tax and regulate and restrain all circuses, shows, theatrical performances, lectures and exhibitions; to license or tax auctioneers in a sum not exceeding ten dollars; to license the disposal of liquors by retail in a sum not exceeding \$500.00 on each dealer; to license the disposal of liquors by wholesale in a sum not exceeding \$300.00 on each dealer; to license or tax hacks, omnibuses,

drays or other vehicles running for hire, in a sum not exceeding ten dollars; to license or tax hotels, eating saloons, restaurants and private boarding houses in a sum not exceeding \$25.00; to license or tax barbers, lawyers, dentists, physicians and druggists practicing their callings in a sum not exceeding \$20.00; and further, to license or tax all other callings, trades, occupations, professions or businesses not otherwise above enumerated that are taxed or licensed under the revenue laws of this state, and to licence or tax all other professions, vocations and businesses not hereinbefore or above named or referred to, practiced, carried on or engaged in within the limits of said town.

SEC. 8. *Be it further enacted*, That said town council shall have full power and authority in said town to suppress gambling and gaming houses and houses of ill repute, and to abate nuisances, and to establish a fire department, and to regulate the operations of the same; to open and establish new streets and alleys, or to discontinue the same; to establish and define a fire limit and prescribe the kind of houses that can be built therein, and generally do and perform such other acts as are necessary to carry out the objects and purposes of its creation, not inconsistent with the laws and institutions of this state.

May abate  
nuisances,  
etc

SEC. 9. *Be it further enacted*, That said town council shall have full power and authority to levy, assess and collect upon all real property in said town an annual tax of not more than five mills on the dollar on the valuation thereof as assessed for state and county taxation the preceding year, and a like tax upon all personal property and other property taxable under the laws of this state for state and county purposes, the sites of which are in said town. The valuation of such subjects of taxation when not assessed the previous year for state and county taxes, to be as contained and fixed by assessment under the ordinances of said town.

Rate of tax,  
etc

SEC. 10. *Be it further enacted*, That said town council shall keep in repair the streets, sidewalks and alleys of said town, and to this end is authorized to require each male inhabitant of said town between the ages of 18 and 50 years not physically disabled, to per-

Work on  
streets

form labor upon said streets, for a period of not more than ten days in each year, and may collect in lieu of such labor a street tax of not more than five dollars; and shall have full power and authority to require the owners of real property situated adjacent to the sidewalks in said town to build and keep the said sidewalks in accordance with the requirements of the ordinance of said town; and shall have full power and authority to enact ordinances and by laws in reference thereto, providing for the building and repairing thereof by the town council, to be taxed against and collected out of such adjacent property on the failure of the owners to build or repair the same on notice from the town council to do so.

Duties of  
intendant

SEC. 11. *Be it further enacted*, That for the trial of violators of town ordinances a court to be presided over by the intendant and in his absence by an intendant pro tem shall be established and regulated by the ordinances of said town which court shall have the authority to enforce obedience and respect to its orders, decrees and judgments that is incidental and common to courts of justice in this state. The intendant shall on giving bond and qualifying as a justice of the peace and his jurisdiction shall be co-extensive with the corporate limits of said town. And the marshal or executive officer of said town shall have full power and authority to arrest violators of town ordinances without warrant, and in default of bail to commit them to the guard house to await trial before the intendant.

Hearing  
complaints,  
etc

SEC. 12. *Be it further enacted*, That upon the completion of the assessment of property for taxes by the authorities of said town the said council shall appoint a day and give due notice thereof to hear complaints and correct errors in such assessments and upon the approval of such assessments the same shall be a lien upon the property so assessed for the amount of the taxes due from such tax payers and such lien shall be enforced by levy and sale, in the manner in which the state lien for taxes is enforced.

Laws in con-  
flict repealed

SEC. 13. *Be it further enacted*, That all laws in conflict herewith be and are hereby repealed.

Approved February 18, 1891.



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## AN ACT

[H. 971

Concerning the organization and perpetuity of a voluntary association to be known as the Order of Columbia, a secret society, having a secret ritual, and providing laws for governing the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whereas, Stacy S. Pancost, Charles S. Frye, Emmett O'Neal, Charles C. Chapin, P. Schultz Tice, W. S. Piersol and Wm. J. Nelson, citizens of Florence, Lauderdale county, State of Alabama, did, on the 12th day of December, 1890, associate and bind themselves together in bonds of fraternal union for the purpose of instituting and establishing a secret fraternal society to be known as the Order of Columbia, vesting the power of government of said order in a Grand Lodge of the Order of Columbia; and in absence of all other law in this State of Alabama governing the establishment and maintenance of a similar association of men, this Order of Columbia shall be governed by the provisions of this act from the date of its institution.

Name, rights  
etc

SEC. 2. *Be it further enacted*, That the Grand Lodge of the Order of Columbia, being the recognized head and governing body of the Order of Columbia, shall have power to create and institute subordinate or branch lodges and grant charters to the same when the good of the order demands and to transact through its proper officials, all the necessary business of the order.

May grant  
charters

SEC. 3. *Be it further enacted*, That the Order of Columbia shall have power through its proper officials of the Grand Lodge to issue to the members certificates or bonds of membership entitling each member to such endowment and disability benefits as he may elect to maintain by the payment of assessments.

Certificates  
of membership

SEC. 4. *Be it further enacted*, That the Grand Lodge of the Order of Columbia shall be composed of its elective and appointive officers, incorporators, district deputies, and one representative from each subordinate lodge, and this body being the governing body of the order shall have power to enact its own constitution, laws, rules and regulations governing the lodge,

May enact  
constitution  
etc

its subordinate or branch lodges, and the funds of the order; *Provided*, they shall in no manner conflict with the provisions of this act, nor with the constitution and general laws of the State of Alabama.

Reserve fund SEC. 5. *Be it further enacted*, That the Grand Lodge of the Order of Columbia, shall place in reserve at least fifty per cent. of each assessment for the first year the same to be invested in interest bearing securities and placed on deposit with the state treasurer, and, that no part of said reserve can be withdrawn during the first year immediately following the foundation of the Order, nor more than one-twelfth of the fund in any one month thereafter.

Secretary's report SEC. 6. *Be it further enacted*, That the secretary of the Grand Lodge of the Order of Columbia shall make an accurate statement of the financial condition of the order at least once every year to the auditor of the State of Alabama.

Interest of members equal SEC. 7. *Be it further enacted*, That the interest of all beneficiary members in good standing shall be equal in the funds of the order, and it shall not be lawful for any official or member to appropriate or use any part of the assessment for any purpose, other than the payment of benefits as prescribed in the constitution and by-laws of the Grand Lodge.

Corporate powers SEC. 8. *Be it further enacted*, That the Order of Columbia be, and is hereby declared a body corporate, with power to sue and be sued; to have a common seal, and to alter the same at pleasure; to elect and appoint such officers and agents as the business of the order may require, prescribe their duties and fix their compensation; to hold, buy, sell and transfer real and personal property in its corporate name.

Exempt from process SEC. 9. *Be it further enacted*, That the individual interest of members is exempt from all process for the collection of debts, or the enforcement of liabilities against the society.

Approved February 18, 1891.

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## AN ACT

[H. 699]

To provide for the election of a county treasurer of Macon county by the qualified voters thereof, at the general election for state and county officers in August, 1892.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election for state and county officers in August, 1892, and every four years thereafter, there shall be elected by the qualified voters of Macon county, a county treasurer, whose duties and term of office shall be as is now provided by the general laws of the state. County treasurer

SEC. 2. *Be it further enacted*, That the treasurer of Macon county shall receive for his services five per cent. on money paid out by him, not in any case exceeding five hundred dollars in any one year. Compensation

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this act be, and the same are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

398]

## AN ACT

[H. 886]

To authorize the commissioners courts of Choctaw and Clarke counties, to establish districts in which stock may be prevented from running at large.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners courts of Choctaw and Clarke counties may establish districts in said counties, in which stock shall not be allowed to run at large. Stock law districts

SEC. 2. *Be it further enacted*, That whenever any ten freeholders petition either of said courts in writing, stating that they desire an order to be made establishing a district wherein stock may not be allowed to run at large, fully describing such district, and stating that petitioners reside in such district; that said petition must be filed with the probate judge of said county at Petition

least thirty days before the next term of the commissioners court, and said probate judge must cause a notice of said application, to be posted in three public places in the district described in the application or petition, and at least three notices of the said application shall be given in a newspaper published in the county, of the day of hearing such application.

Hearing  
petitioners SEC. 3. *Be it further enacted*, That said court of county commissioners, at the next regular term thereof after said application is filed, must, if such petition or application is filed thirty days before the term commences, and such notices are posted as above provided, hear the petitioners, and any person that may be opposed thereto, and if such court is satisfied that a majority of the land owners or freeholders who reside in and who own land situated in said proposed district, and who are over the age of twenty-one years, are in favor of said district being established, then said commissioners court must make an order granting said petition or application, and shall describe in said order on the minutes of said court the boundary lines of said district so established, said order to go into effect thirty days after it is made. If an order is made by said court establishing a district in which stock is not allowed to run at large therein, then on and after the expiration of thirty days from the date of said order, it shall not be lawful for stock of any kind or description whatever to run at large in the district so established.

Owner liable  
for damages SEC. 4. *Be it further enacted*, That the owner of any stock running at large in violation of the provisions of the third section of this act, when such owner resides or the stock is owned by parties within the limits of a district established under the provisions of this act, shall be liable to the party injured for any damages committed by said stock to any lands, crops, fruit trees, shrubbery or other property within the limits of said district, and the party injured shall have a lien paramount and superior to all other liens on the stock committing such injury or damages.

SEC. 5. *Be it further enacted*, That whenever any damage has been committed to any property in any district or limits established by said court as above provided, by stock running at large in violation of the

provisions of the third section of this act, the party whose property has been damaged may, within ten days after such damage has been committed, make complaint against the owner of the stock doing the damage or injury, to a justice of the peace or notary public with jurisdiction of a justice, of the precinct in which such damage has been done, or if there be no justice of the peace, or notary public with jurisdiction of a justice of the precinct in which the damage has been done, then to a justice of the peace, or notary public with jurisdiction of a justice, of any adjoining precinct in said county, describing the property damaged or injured and the stock doing the damage; and whenever such complaint is made to the justice of the peace or such notary public, he shall issue notice to the owner of such stock commanding him to appear and answer such complaint on a day not less than five nor more than ten days from the issuance of such complaint. Said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be selected by him, who reside in the precinct in which such damage has been done, commanding them to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the extent and amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace or notary public, shall try such cause and render such judgment therein as the law demands; but if the owner of said stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained; if judgment be rendered for the complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage or injury to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution on such judgment, describing such stock therein, commanding any constable of Choctaw or Clarke counties to levy upon and sell such stock for the satisfaction of such judgment and costs, and such sale shall

Triable before justice of peace

be conducted in like manner as sales under other executions issued by justices of the peace.

Appeals

SEC. 6. *Be it further enacted*, That either person shall have the right of appeal from the judgment of the justices of the peace or notary public in such cause, either to a jury or to the circuit court, in accordance with the requirements of the statutes as now provided.

Misdemeanor

SEC. 7. *Be it further enacted*, That the owner, party in possession of, or manager of any stock who shall knowingly suffer such to run at large at any time, in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty-five dollars, and a failure to pay the sum, with the costs, shall be sentenced to hard labor for the benefit of the county for not less than thirty nor more than ninety days for such fine, and for a further period sufficient to pay the costs at rate of forty cents per day, not to exceed, however, thirty days for such costs; *Provided*, that justices of the peace and notaries public with powers of a justice of said Choctaw and Clarke counties, shall have jurisdiction of the cases and offenses under this section; *And provided further*, that all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution.

Penalty for not serving

SEC. 8. *Be it further enacted*, That any freeholder of said Choctaw and Clarke counties, who has been selected and notified under section five of this act, and who is liable to serve under said section, who shall fail to serve and perform the duties required of him therein, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty dollars; *Provided*, that justices of the peace and notaries public with jurisdiction of justices in the counties of Choctaw and Clarke shall have jurisdiction of offences under this section.

Persons not liable for damages

SEC. 9. *Be it further enacted*, That the stock of parties who reside upon lands outside of a district in which stock may hereafter be prevented from running at large, shall not be liable for damage done to the property of any person living in said district, unless



said persons living in said district shall keep up a lawful fence upon the dividing line between themselves and said non-resident. Any person living outside of any district that may hereafter be established shall not be criminally liable under this act; and that this act shall not be construed as repealing the law of partition fences as to lines where said line fences is or may hereafter be used by the parties as the boundary line between the party lining in said prohibited district and the party living outside of said district; *Provided*, that any person who shall wilfully injure, destroy or interfere with said line fence shall be guilty of a misdemeanor, and on conviction shall be fined by the justice of the peace or notary public with similar powers, trying the case, not less than ten, nor more than three hundred dollars.

Penalty for  
injuring  
fence

SEC. 10. *Be it further enacted*, That any person taking up stock belonging to an unknown owner, after having made reasonable effort to ascertain the ownership of said stock, shall report the same to the justice of the peace or said notary public, fully describing the same in his complaint claiming damages; and it shall be the duty of said justice or notary to cause notice to be posted at three public places near the lands of the complainant, fully describing the stock, and stating the day upon which the complaint will be heard, and shall proceed in all respects as if the owner was known.

When owner  
is unknown

Approved February 18, 1891.

399]

AN ACT

[H. 658

To amend the charter of the town of Greensboro, Alabama and the acts amending the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act amending the charter of said town approved December 10th, 1878, be amended so as to read as follows; Section 2. *Be it further enacted*, That the government of said town shall be styled "The Mayor and Council of Greensboro" and shall consist of a mayor and four councilmen, citi-

Election  
bi-ennially

zens and residents of said town, who shall serve for the term of two years, and until their successors shall have been duly elected: said mayor and councilmen for said town shall be elected by the duly qualified voters of said town who shall consist of all the voters under the constitution and laws of the state, who shall have resided within the limits of said town for the period of thirty days next preceding the election at which they may offer to vote, and all freeholders of said town who are qualified voters under the laws of the state. The mayor and councilmen of said town shall each be ex-officio justice of the peace during their term of office for the purpose of carrying into effect all laws, by-laws and ordinances that may be enacted or passed by the corporate authorities of said town for the government of the same. Before entering upon the discharge

Oath of office

of their official duties the mayor and councilmen elected under this act shall severally take the oath of office prescribed by the constitution of this state before some officer authorized to administer the same, which oath shall be filed with the records of said town. No person shall be allowed to vote at any election in said town unless such person shall have been registered within the three months next preceding such election. The

Registration

marshal of said town shall be the register thereof and administer oaths to voters, and shall keep the books of registration. The books of registration shall be opened three months before each election and kept open until five days before each election and then closed: each person offering to register shall take and subscribe an oath in words and substance as follows: State of Alabama, county of Hale and town of Greensboro, I, ..... , solemnly swear that I am a qualified voter of said state, county and town, ..... Subscribed and sworn to before me, this ..... day of ..... , 18— ..... , Marshal of said town.

Annual  
elections

SEC. 2. *Be it further enacted by the General Assembly of Alabama*, That Sec. 3 of an act amending the charter of said town; approved December 10th, 1878, be amended so as to read as follows: Sec. 3. Be it further enacted, That an election for mayor and councilmen of said town of Greensboro shall be had on the first Monday in March, 1891, and on the first

Monday in March every two years thereafter; but should any election not take place on the day appointed, the corporation shall not for that cause be dissolved, but the mayor and councilmen shall remain in office until their successors are appointed and qualified, and they shall proceed to appoint some other day not beyond thirty days thereafter, on which day an election for mayor and councilmen shall be held as prescribed in this act. All elections shall be conducted under the supervision of the mayor and any one of the councilmen, or by any two councilmen, or when it shall be ordered by the corporate authority of said town, by any two or more qualified electors of said town, to be appointed by the mayor and council. At such election the marshal shall be returning officer and the mayor and council shall judge the legality of all elections, declare who has been elected, and in all cases of tie between two or more persons, shall determine which of such persons shall be mayor or councilmen, as the case may be, only those members voting who are not personally interested in the result. All elections held for the election of officers of said town shall be conducted in accordance with the general election law of the state, except as otherwise provided in this charter, and all persons voting illegally or swearing falsely at such election shall incur the same penalty as far as a like act committed at an election for officers of the state of Alabama.

SEC. 3. *Be it further enacted*, That subdivision 1st of section 6 of said act, approved December 10th, 1878, be amended so as to read as follows, to-wit: 1st. To elect a clerk, treasurer, marshal and such other officers as may be necessary, who shall be removable at the pleasure of the board; to prescribe the duties of the clerk, marshal, treasurer and other officers and to require of them bonds with surety in such amounts as they may deem proper and right for the faithful performance of their duties.

Officers elected by council

SEC. 4. *Be it further enacted*, That section twenty-two of said act, approved December 10th, 1878, be amended so as to read as follows, to-wit: Sec. 22. *Be it further enacted*, That the board of mayor and council shall have the power at any time to remove the clerk,

Power to remove

treasurer, marshal or other officers, and upon such removal to fill the vacancy.

SEC. 5. *Be it further enacted*, That Sec. 32 of an act to amend the charter of the town of Greensboro, and to confer additional powers and duties on the mayor and council of Greensboro, approved December 12th, 1884, be amended so as to read as follows, to-wit: Sec. 32. *Be it further enacted*, That the mayor and council shall have power and authority to open new streets, to widen or change the direction of or names of the streets within said town. The mode of condemnation of land for the purposes aforesaid shall be as follows to-wit: The mayor and council shall first pass an ordinance setting forth the lands contained in such new streets, or in that portion of an old street to be widened, or the direction of which is to be changed. Thereupon a description of lands required for such new street, or for the widening or changing the direction of an old street shall be filed in the office of probate judge of Hale county, Alabama. Thereupon said probate judge shall fix a day for ascertaining what compensation shall be paid to the owners for said land, and shall order the sheriff of said county to summon a jury composed of twelve freeholders of said county, to be present at the office of said judge on that day to fix the compensation for said land. Notice of such day shall be given by publication for three weeks in a newspaper published in said town; such notice shall contain a copy of the description of said lands. On the day fixed any person interested shall have the right to be heard, and to introduce testimony pertinent to the issue. The jury shall be impaneled and sworn by said judge well and truly to assess what compensation shall be paid for said lands, and the jury may be allowed to view the lands and shall hear the evidence. When the jury shall have by their finding fixed the amount of compensation they shall return the same to said judge. The said town may pay the amount to said judge and at any time after ten days thereafter, may take possession of said lands and hold and use them for the purpose for which they were condemned. Upon the assembling of the jury each party interested shall be entitled to three peremp-

Opening  
streets, etc

tory challenges, and if for any cause the jury is not complete, other jurors of like qualification shall be by said sheriff summoned instanter. Any party dissatisfied with the finding of the jury, shall have the right Appeals within five days thereafter to an appeal to the circuit court of Hale county, Alabama, and to have there the inquiry as to compensation tried *de novo*; *Provided*, that due notice of such appeal and bond with security for the costs and damages thereof, be given within the said five days. The judge of probate shall be entitled to five dollars for each condemnation under this act. Jurors shall be entitled to one dollar Fees each per day, and witnesses to fifty cents each per day while in attendance upon said cause. The costs to be taxed and collected as in other cases in the probate court; the judge of probate is hereby authorized and empowered to compel the attendance of witnesses and jurors, and to administer all oaths that are required. Under each condemnatory proceeding, the sheriff shall have, and be entitled for summoning the jury two dollars (\$2.00), and twenty-five cents for serving each citation and for summoning each witness; his fees to be taxed as other costs. The money paid to said judge by said town shall be by him paid to the proper owner of said lands and he should be in doubt as to who are the proper owners, he may cause an issue to be made which shall be tried by him unless a jury be demanded. If upon such issue a jury be demanded the same shall be forthwith summoned by the sheriff of said county. The mayor shall file with said description the names and residences of the owners of said land if known and if any of the owners or their residences are unknown he shall so state, which statement shall be duly sworn to. Said judge shall in addition to said publication cause a citation to be served upon such owners as are known and who reside in this state, which citation must be served at least five days before the jury is impaneled. The several sheriffs in this state are authorized in their respective counties to serve said citations. Upon the day fixed for hearing said matters the judge may continue the cause for not more than thirty days.

Approved February 18, 1891.

To incorporate the town of Seddon, in St. Clair county, and to establish a charter for the government thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Seddon, in the county, of St. Clair and State of Alabama, shall be and is hereby incorporated, and that the present and future inhabitants of said town, as by this act incorporated shall be and they are by this act made and constituted a body corporate and politic under the name and style of "The town of Seddon," under and by which name and style, the said corporation may sue and be sued, either in law or equity, may have and use a common seal which may be changed at pleasure, may purchase and hold property to the amount of five thousand dollars, and may do and perform all acts incident to such corporation not inconsistent with the laws of the State of Alabama.

Name,  
rights, etc

Boundaries

SEC. 2. *Be it further enacted,* That the said incorporation of the town of Seddon shall embrace and include all tracts, lots and parcels of land in a boundary extending one-half mile from the depot of the Georgia Pacific railroad, in said town in every direction.

Government  
of town

SEC. 3. *Be it further enacted,* That the government of said town shall be styled mayor and council of Seddon, and shall consist of a mayor and five councilmen, who shall be citizens of said town, and shall serve for the term of one year and until their successors are elected and qualified, said officers to be elected by the qualified electors who shall have resided in said town for thirty days next preceding the election. Each of the above officers must have been a bona-fide resident citizen of said town for twelve months next preceding his election, and before entering upon the duties of his office must take and subscribe oath of office, as required by civil officers in this state.

Annual elec-  
tions

SEC. 4. *Be it further enacted,* That the first election of town officers elected by the people under this charter shall be held on the first Monday in March, 1891, and annually on the first Monday in March there-



after ; and D. H. Carpenter, G. M. Dixon and W. H. Roberson are hereby appointed commissioners to hold said first election, either of whom with two freeholders residing within the limits of said town, may act, and all subsequent elections shall be conducted by two or more qualified electors appointed by the mayor for that purpose. The mayor and councilmen shall determine the legality of elections and declare who are the duly elected officers, and in case of a tie, shall declare who shall be mayor and councilmen ; but the corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day within thirty days thereafter.

SEC. 5. *Be it further enacted*, That should a vacancy occur in the office of mayor or councilman, such vacancy shall be filled by the remaining members of the board. Vacancies

SEC. 6 *Be it further enacted*, That the mayor of said town shall be ex-officio justice of the peace with jurisdiction concurrent with the county court of said county to try all misdemeanors committed within said corporate limits, and to have all the jurisdiction of notaries public in said county of St. Clair, Alabama.

SEC. 7. *Be it further enacted*, That the mayor and councilmen of said town shall have power: Powers of  
mayor and  
councilmen 1. To employ a clerk who, in addition to his general duties, shall assess the taxes ; a marshal, who shall collect the taxes ; also to employ counsel for advice and for the prosecution of offenders, and for the defense of all suits against said town. 2. To determine the fees and salaries of officers. 3. To enact such laws and ordinances as may be necessary to maintain the powers herein contained. 4. To prevent and remove nuisances at the expense of the persons causing them, or on whose premises they are found. 5. To license, tax, regulate, or restrain any or all shows, or exhibitions, public concerts or other amusements. 6. To prohibit all disorderly houses, houses of ill fame, racing, prize-fighting, cock-fighting, gaming and gambling houses within the limits of said town. 7. To prevent and punish breaches of the peace, and disorderly conduct ; to de-

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Powers of  
mayor and  
councilmen

fine and punish vagrancy, and to punish all other misdemeanors known to the laws of the state. 8. To establish night and day police. 9. To prevent and punish all unlawful assemblies. 10. To prevent and punish violations of the Sabbath, any disturbance of or interference with public or private worship; to punish profane, abusive, insulting or obscene language, or indecent exposure of the person or other improper exhibitions. 11. To prevent and punish wanton, wilful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of said town. 12. To keep in repair the public streets, sidewalks, alleys, avenues, bridges and wells of said town; to keep them from obstructions; to widen and change their direction; to discontinue or close them when expedient, and to open new ones. 13. To erect public scales; houses; to appoint public weighers and measurers, define their duties and fix their compensations. 14. To license and control the sale of spirituous, vinous and malt liquors or intoxicating beverages within the corporate limits of said town; but such license shall not exceed one hundred dollars; and that it shall be lawful under the general laws of this state to sell vinous, spirituous or malt liquors in the corporate limits of said town, or procuring a license to do so from the lawful authority. 15. To license and tax billiard and pool tables, bowling alleys, and peddlers. 16. To prevent stock from running at large on the streets. 17. To punish by fine not exceeding one hundred dollars and imprisonment, or hard labor or both, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and impose additional hard labor and imprisonment for non-payment of fines and costs not inconsistent with the laws of the state; *Provided*, that in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the circuit court of St. Clair county, under the rules and regulations prescribed by the laws of the state for cases tried in the county court; *And provided further*, that in all cases of appeal from the mayor's court to the circuit court, where the defendant is convicted, the fine assessed against him in said court shall be paid in money and paid over to the

treasurer of the town. 18. To enact such laws and ordinances as may be necessary to regulate and govern hiring convicts of the town, not inconsistent with the laws of the state. 19. To take care of, remove, preserve, designate and regulate all burying grounds within the town. 20. To establish and regulate markets, and to rent out the stalls in the same, reserving, however, an ample space for the use of country people who may attend the same with marketable supplies, and to prohibit the selling of fresh meats, poultry, fish or game except at the public markets.

SEC. 8. *Be it further enacted*, That said corporation shall have power to levy on all property, real and personal, or mixed, within the corporate limits of the town, except such lands as are used for farming purposes, such taxes as may be necessary to defray the expenses of said incorporation, not to exceed the rate prescribed by the constitution and laws of the state for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

Power to  
levy taxes

SEC. 9. *Be it further enacted*, That an assessment of all taxable property, as prescribed by the municipal authorities of said town, not contrary to the laws of the state, shall be made annually to the owner of said property when known, otherwise to owner unknown, and on failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain. The assessment, when completed, must be returned to the mayor and councilmen, who shall cause ten days notice to be given, by posting or by publication in a newspaper published in the town, of the time and place when corrections will be made. When corrections shall have been made as above provided, the assessment must be marked "Approved." The assessment so approved shall have the force and effect of a judgment and execution, and on failure on the part of the owner of any property to pay said taxes, the marshal or person collecting the taxes, may collect the same by levy upon and sale of such property or any other property of any kind owned by such delinquent taxpayer; *Provided*, that no property of any description shall be exempt from taxation by

Tax assess-  
ment

Collection  
of taxes

the town, except as hereinbefore provided; *And provided further*, that all sales of property under the provisions of this act, must be advertised by posting or by publication in a newspaper published in the town, for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed when known, and amount of taxes for which it is to be sold. Certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sale of property for the collection of state and county taxes, and shall have the force and effect of transferring the title thereto. Time and right of redemption of real property so sold shall be the same as provided for by the laws of the state, and at the expiration of the time for redemption of property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property in accordance with the laws of the state in relation thereto, and shall be entitled to the same fees therefor as provided in other cases.

Working on  
streets

SEC. 10. *Be it further enacted*, That all persons residing within the corporate limits of said town, who are liable to road duty, shall be liable and are hereby required to work on the streets and roads in said town not exceeding ten days in any one year; *Provided*, that all such persons shall be exempt from such duty by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year, and all such persons exempt from road duty by the laws of the state, are also exempt from road or street duty within the corporate limits of said town.

Jurisdiction  
of mayor

SEC. 11. *Be it further enacted*, That the mayor of said town of Seddon shall have jurisdiction of and power to try all violations of the laws and by-laws and ordinances of said town committed within the corporate limits of said town, and shall have power to punish by fine or imprisonment all contempt of court or process; and in case of the absence of the mayor, or in cases where he is related to the defendant or otherwise interested in the case it shall be lawful for either of the councilmen to act in the mayor's place.

SEC. 12. *Be it further enacted*, That the marshal

shall have the same power to arrest offenders, to execute process and enforce the by-laws and ordinances of the town as sheriffs have, and shall be invested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the state. He shall also have power to arrest offenders in any part of the county upon warrant issued by the mayor; he shall at all times be authorized to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial, unless bail is given.

Authority of  
marshal, etc

SEC. 13. *Be it further enacted*, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the town.

Powers

SEC. 14. *Be it further enacted*, That before the mayor and marshal of said town shall enter upon the discharge of their duties, each shall enter into a bond with approved securities in the penal sum of five hundred dollars, condition to faithfully discharge the duties imposed upon him, and payable to the common council of Seddon, and to be approved by them.

Official  
bonds

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 18, 1891.

401]

AN ACT

[H. 748

To incorporate the Southern Steel Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That T. T. Hillman, George L. Morris and William A. Walker, all of this state, and their associates, successors and assigns, be and they are hereby created a body corporate, under the name and style of "The Southern Steel Company," and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead and be

Name, rights,  
etc

impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at pleasure a corporate seal, and exercise all the rights and franchises hereinafter granted.

Capital stock      SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall be such sum as the corporators hereinabove named shall fix and establish, not less than one hundred thousand dollars; but the corporation shall have the right, after its organization, to increase its capital stock from time to time as a majority in value of the stockholders thereof, in convention assembled, shall determine, not to exceed the sum of thirty million dollars.

Stockholders      SEC. 3. *Be it further enacted*, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings and conventions of the stockholders, each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for each share of stock owned by such stockholder. Executors and administrators shall have power to represent the stock of his, her, or their testator or intestate; and guardians, and trustees shall have power to represent the stock of their wards and *cestuis que trust*.

Subscripti'ns  
to stock      SEC. 4. *Be it further enacted*, That the persons named as corporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place, in the city of Birmingham, or at such other place in this state as they shall designate and appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be agreed on by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at any subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting.

SEC 5. *Be it further enacted*, That when as much as one hundred thousand dollars shall have been subscribed as authorized in the last preceding section, to



the capital stock of said company, then at such time and place, in said state of Alabama, as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of the said subscribers for the purpose of organizing said company by the election of a board of directors, to consist of not less than five members, and said directors shall be chosen from the subscribers to the stock by ballot. The officers of said company shall be a president and a secretary and treasurer, and such other officers as the board may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers, and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders, the time and place of holding which shall be designated by the meeting at which such directors are elected, or on its failure to do so, the time and place of such convention shall be fixed by the board of directors of which the stockholders shall have such notice as the board shall direct. The election of such directors and by them of the president, as provided above, shall constitute the organization of said company; *Provided*, that before such organization shall be perfected, there shall be paid to the treasurer of the company not less than one per cent in cash upon the amount subscribed, in pursuance of the fourth section of this act, to the capital stock of the company.

Organization

SEC. 6. *Be it further enacted*, That after the organization of said company by and with the consent of the persons holding the larger amount in value of its stock first obtained, at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition, to be held after ten days' notice given by publication in some newspaper to be designated by the board of directors, the said corporation shall have the right from time to time to increase its capital stock and to take and receive additional subscriptions to its capital stock from time to time, and, in doing so, may, as it may deem proper and advant-

Increase of  
capital stock

ageous, receive such additional subscriptions, payable in whole or in part in real or personal property, or in stocks, bonds, rights or franchises of other corporations, and may take and receive proper conveyances and transfers of such real estate and personal property in payment of such subscriptions for stock.

Annual meetings SEC. 7. *Be it further enacted*, That there shall be annual meetings or conventions of the stockholders of said company, at the principal office of the company, at Birmingham, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of the president and directors, and for the transaction of such other business relating to the interests of the company as such conventions, when assembled, shall deem necessary or proper, of which conventions such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe such notice; *Provided*, that omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. In any convention of its stockholders a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, shall constitute a quorum competent to transact business binding on the company and its stockholders. The number of directors shall continue, as provided in the fifth section of this act until otherwise provided by the company, and the company shall have power to increase or diminish this number from time to time as shall be deemed proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election and qualification of their successors. Any vacancy in the office of president or directors may be filled by the board of directors, a majority of whom will constitute a quorum for the transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management

and carrying on of its business, and may elect or appoint all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

SEC. 8. *Be it further enacted*, That the business of said company is hereby declared to be, and shall be, the mining and sale of iron ores and coal, and the production and manufacture and sale of coke, iron and steel in their crude and finished state, and the manufacture of any products from iron and steel, and the doing of any and all things incident to, or in aid of, any of such business. Business of company

SEC. 9. *Be it further enacted*, That said company shall have power to contract for, purchase and own all such lands and mineral rights and timber rights and other property, and to purchase and construct such steel plants, furnaces, rolling-mills and buildings, structures and appurtenances as may be deemed needful in carrying on its business permanently in the most efficient and advantageous manner. Said company shall also have power to purchase or lease or lay out and construct and use all such tramways and railways, or other roads or ways, that may be needful or convenient for the transportation of the minerals and other materials and things that may be required in its business, and for the transportation of its products; *Provided*, that the company shall possess or lawfully acquire the rights-of-way for the same before the construction of any such ways or roads. And the corporation shall have power to condemn lands, or an interest or easement therein for a right-of-way in the manner provided by law, such right-of-way to be not exceeding one hundred feet in width throughout the full length of said tramways and railways. Powers

SEC. 10. *Be it further enacted*, That said corporation shall have power to unite, consolidate or connect the railways owned, operated or controlled by it, with any line of railway constructed or which may be constructed in this state upon such terms as may be agreed upon between it and such other railway company; and for this purpose, power is hereby granted to it and to Connect with other roads

any other railway incorporated by this state, to make and carry out such contracts, by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

SEC. 11. *Be it further enacted*, That the said corporation by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is hereby given to it, to make and issue its bonds for such sums and in such amounts and payable at such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best. And to secure the payment of said bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all the property of the said corporation, including its franchises, or such part thereof as the said stockholders may determine best; said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company and sealed with the seal of said corporation, and the said company is hereby authorized to sell, exchange, hypothecate and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

SEC. 12. *Be it further enacted*, That said corporation may issue also preferred stock in such sums and for such an amount and on such terms and conditions, and with such rights and privileges as a majority in value of the stockholders of said company in convention assembled shall determine, and thereafter the said company shall not have the power to change or abridge the conditions, rights or privileges thus accorded to the holders of preferred stock, or to do any act that will impair the value or security of such preferred stock without the consent of the holders of the same.

SEC. 13. *Be it further enacted*, That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock or franchises of other corporations engaged in any similar business; and said corporation may pay for the same in money, bonds, notes or by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as such corporation may deem best, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

May lease or  
purchase

SEC 14. *Be it further enacted*, That said corporation is authorized to constitute and establish an agency or agencies outside of this state for the transfer of the shares of its capital stock, and to enact all laws necessary to provide for the transfer of said shares by such agency or agencies.

Agencies out  
of state

Approved February 18, 1891.

402]

AN ACT

[H. 999

To establish a charter for the city of Bridgeport.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the city of Bridgeport in the county of Jackson, and State of Alabama shall be and continue a body politic and corporate by the name of The City of Bridgeport, and by their corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real and personal and mixed, and dispose of the same for the benefit of the said city and may have and use a city seal which may be broken or altered at their pleasure.

Name, rights,  
etc

SEC. 2. *Be it further enacted*, That the corporate limits of the city of Bridgeport shall embrace sections (7) seven, (8) eight, (17) seventeen, (18) eighteen, (19) nineteen, (20) twenty, and extending across the river in a straight line with the north line of section (8), and down the east bank of the river at low water

Corporate  
limits

mark, to a point opposite the south line of section (20) twenty, so as to include the main channel of the river fronting said town, and including all of fractions lying on the west bank of the river, between said northern and southern boundary lines, aforesaid, all in township one (1), range (9), east, in Jackson county, Alabama.

Government      SEC. 3. *Be it further enacted*, That the government of said city shall consist of a mayor and four aldermen.

Election      SEC. 4. *Be it further enacted*, That an election of a mayor and four aldermen shall be held as soon as practicable after the passage of this act; that said election shall be held by Frank J. Kilpatrick, John H. Gunter and R. E. Alley under the provisions of this act, and the persons certified to be elected mayor and aldermen by the said commissioners, shall hold their respective offices until their successors are elected and qualified. At said first election all persons residing within the said city who are qualified voters of the precinct in which said city is situate are entitled to vote without registration, and the said commissioners holding the said election are to be the judges of the qualification of electors. Said election shall be held in a place near the depot in said city, and ten days' notice of the time and place shall be first given by publication in some newspaper published in said city.

Elections      SEC. 5. *Be it further enacted*, That the subsequent bi-ennially elections for mayor and aldermen shall take place on Tuesday after the first Monday in April, 1893, and every two years thereafter on the Tuesday after the first Monday in said month, by ballot by the male inhabitants of said town who shall have resided in said city for thirty days next preceding said election, and who shall have been duly registered as hereinafter provided and prescribed. The mayor or acting mayor shall give ten days' notice of the said election by publication in some newspaper published in the city of Bridgeport, giving notice of the appointed place or places of voting. Said mayor and aldermen shall appoint three inspectors and a returning officer for each voting place in each ward, all of whom shall be residents of the respective wards for which they are appointed, who shall severally take and subscribe an



oath faithfully and honestly to perform their respective duties and fairly to hold and conduct said election, and fairly and truthfully make and certify the result thereof. The returning officer shall make return of the poll list and the books containing the ballots cast at said election, and the mayor and aldermen, in the event a majority of them are not candidates for re-election; but should a majority of them be candidates for re-election, then said return shall be made to the marshal, and the clerk, who shall within one day after receiving the said returns of said election, open the same in the presence of such citizens as desire to be present, and declare the result of said election, and shall give the persons ascertained to be elected a certificate of election. Persons so elected shall, before entering upon the duties of their respective offices, take an oath before some officer authorized to administer the same to discharge without favor or partiality the duties of mayor or alderman of the city of Bridgeport, a copy of which oath must be preserved in the office of the mayor of said city. If any two or more persons shall have received an equal number of votes, the sheriff of the county of Jackson shall give the casting vote and thereby determine the election, within five days after the holding of such election. If for any cause said election shall not be held at the time herein provided, it shall be the duty of the mayor, and in his absence, the aldermen, as soon as practicable, to appoint another day for holding such election, not more than thirty days after such regular day, of which he shall give like notice, and on the day so appointed shall open and hold such election in the manner that he holds the election held at the time herein provided.

SEC. 6. *Be it further enacted*, That if the mayor or any alderman during his term of office, and after having qualified shall die, resign, remove from the corporation or from the ward in which he is elected, refuse to act, or be personally disabled from acting, the remaining members of the board of aldermen shall by ballot elect in his stead another mayor or alderman, who shall have the qualifications prescribed in this act and shall continue in office during the remainder of

Vacancies

the term, and until his successor is elected and qualified. But if any person elected mayor or alderman by the qualified voters of the city at any election held under this act shall refuse to qualify, then it shall be the duty of the sheriff of said county, after giving ten days notice by publication in some newspaper published in said city of Bridgeport, to hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular elections of mayor and aldermen.

## Ballots

SEC. 7. *Be it further enacted*, That the ballots cast at any election under this act shall, after being counted, be carefully sealed up by the inspectors and deposited by them with the city clerk who shall preserve the same for twenty days after the result of said election is declared, and if there be no contest the said city clerk shall cause the same to be burned in his presence and that of the mayor, but in the event of a contest they shall be delivered to the judge trying the contest.

## Contests

SEC. 8. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the state for contesting the election of a probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge shall, so far as the same are or may be practicable, apply to contests of any election held under this act.

## Registration

SEC. 9. *Be it further enacted*, That at least sixty days before the time herein provided for the election of a mayor and aldermen, it shall be the duty of the mayor and aldermen to appoint one person for each ward or place of voting, to act as registrar of votes. Said registrars shall respectively commence registering sixty days before the said election and shall continue the same until within five days of the election, at which time said registration shall be closed. Each of said registrars shall give at least five days notice by advertisement published in some newspaper in said city or by posting notices at three or more public places, in said city, of his appointment and of the time and place he will attend to make registration of votes, which notice must also state when said registration

will close. And should any of the registrars so appointed, fail to act or from any cause vacancies should occur in said appointment, then the board of mayor and aldermen shall appoint some other person in his stead. Before registration is made of any applicant therefor, said registrar shall be satisfied from his personal knowledge or by sufficient evidence that such applicant has resided at least thirty days in the city of Bridgeport and thirty days in the ward in which he proposes to register, and that he will be legally entitled to vote at the next ensuing election for municipal officers of said city according to the requirements hereinbefore provided; *Provided*, that any voters becoming of age within five days before the election, shall be allowed to register. Said registrar, being satisfied of the qualifications must place the applicant upon the registration list, together with his color, profession, occupation or employment and the ward of his residence. The names of the parties registered shall be numbered in the order of registration and said registrar must furnish the person so registered a certificate of his registration, signed by the registrar stating the ward of his residence and the date and number of his registration. The right of any person to be registered as a voter may be challenged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city, and in case the registrar is in doubt and cannot decide for himself any matter pertaining to his duties as registrar under this act, then such registrar shall take advice of the city attorney upon such matters. Each of said registrars shall carefully preserve the original registration list of voters registered by him, and make or cause to be made, a correct copy thereof with the names alphabetically arranged. The original list the registrar shall certify over his own signature and immediately after the closing of the registration, shall deliver both said original and said copy to the clerk of the city court of Bridgeport. Said clerk shall carefully compare the copy with the original, and finding the same correct, shall file the original in his office after certifying over his own official signature the copy to be correct, deliver the same to the inspectors of each

Registration

ward before the polls open on the day of the election. Each applicant for registration shall be sworn by the registrar as to his qualifications as a voter if the registrar has any doubt as to the same. The mayor and aldermen shall provide the compensation of registrars and the clerk of the city for services rendered in this connection.

**Affidavit of registration** SEC. 10. *Be it further enacted,* That before entering upon the duties of his office, each registrar shall make and subscribe an affidavit before the mayor or some other officer authorized to administer oaths, that he will carefully perform the duties of registrar by this act imposed upon him, and that he will honestly, without fear, favor, affection or prejudice, and without reward or the hope thereof, cause registration to be made for all persons who personally apply therefor and who are entitled to be registered. Said affidavit shall be filed in the office of the city clerk, and for every violation of their duty as such registrars they shall, on conviction, pay a fine of not less than one hundred nor more than two hundred dollars for the use of the city of Bridgeport.

**Inspectors of election** SEC. 11. *Be it further enacted,* That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the certified copy of the register of voters furnished them by the clerk of the city court, and who does not on demand make satisfactory proof of his identity and of his qualifications as a voter. For the purpose of such election, the certified copy of such registration list furnished by said clerk to the inspectors shall be taken as correct in all things, but subject, if error is alleged, to be corrected on comparison with the original list on file in the mayor's office. Any qualified elector shall have the right to challenge any person who proposes to vote who he may know or suspect is not entitled and duly qualified as an elector to vote in said election. When such challenge is made, one of the inspectors must swear the person offering to vote as to his qualifications in the form of oath prescribed by the state law. If the person refuses to take the oath prescribed, or if he fails to establish his identity or residence, his vote shall be registered and the ballot marked with his name shall be laid aside.

**Right to challenge**

SEC. 12. *Be it further enacted*, That the majority of the board of mayor and aldermen shall constitute a <sup>Quorum</sup> quorum for the transaction of business. The board of mayor and aldermen shall fix their own sessions, and special meetings of the board may be called by the <sup>Meetings</sup> mayor at his option, or by any two of the aldermen. In case of the sickness or temporary absence of the mayor, or when he is incompetent or declines to act on account of relationship to any party, the aldermen may appoint one of their members to act as mayor during such <sup>Mayor pro tem</sup> sickness or absence, or in any case or proceeding in which the mayor is incompetent or declines to act on account of such relationship, and such mayor pro tempore shall exercise all the powers and perform all the duties as mayor; but the mayor shall not vacate his office by reason of any temporary absence from the city or state.

SEC. 13. *Be it further enacted*, That said city of Bridgeport shall possess and exercise civil, criminal and police jurisdiction within an area of two miles square from the centre of said city, and the mayor shall possess within said limits all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all the corresponding duties and responsibilities, and for services in such cases shall be entitled to the fees which are or may be allowed by law to justices of the peace, and his signature or act as mayor in such cases, shall be of equal force as if done by him as a justice of the peace, and from any judgment or decision of the mayor sitting as such justice of the peace, the party desiring it, may take an appeal or certiorari to the circuit court of the county of Jackson, under such rules and regulations as are or may be prescribed by the laws of the state for appeal or certiorari from the judgment of justices of the peace; *Provided*, That the mayor shall not be required to take the jurisdiction or try and determine any cause, civil or criminal as ex-officio justice of the peace that has not already come before him as mayor; *And, provided further*, That when the person has been arraigned before the mayor for a violation of an ordinance of the city, if any further prosecution is instituted against the said person

on affidavit, it shall be before the mayor as ex-officio justice of the peace. He shall, moreover, as mayor, have exclusive jurisdiction to hear, adjudge and determine all suits, prosecutions or other violations of the charter, ordinances, or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion, scire facias or other suits on any penal bond payable to the mayor or mayor and aldermen taken under this act or the ordinances of said corporation, including proceedings and suits against the officers of the corporation and the sureties on their official bonds, for non-payment of taxes, and other moneys collected or received or for other delinquencies or defaults in office and upon the judgment of the mayor in any branch of his jurisdiction as mayor or justice, execution, capias, or other appropriate writ, may be issued by the clerk of the corporation directed to and to be executed by the marshal, which shall have the force and effect of an execution or appropriate process as the case may be, from any of the circuit courts of the state, and shall be executed by the marshal in the same manner as executions, capias or other process are executed by the sheriff of such circuit courts.

Duties of  
mayor

SEC. 14. *Be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed; he shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend, from time to time, in writing, such alterations in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; he may in case of disturbance of the peace, or invasion or insurrection, or whenever in his opinion the peace and security of the city requires it, call on the sheriff of the county for aid in preserving the peace by the use of all the means which the law confers on the sheriff as peace officer; and the mayor may also call on the volunteer and militia companies in the city for its defence; he shall preside at all meetings of the board when present; he shall perform such other duties as



the board may prescribe, and has authority, while holding court to punish any contempt of his court by fine and imprisonment or either, but the imprisonment for such contempt shall not exceed five days, and the fine shall not exceed fifty dollars.

SEC. 15. *Be it further enacted*, That the mayor and aldermen shall have the power to appoint a city marshal, clerk, treasurer, collector of taxes, assessor, and such other officers and agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the government of the city, or may combine the duties of any number of these officers in one person as they may deem proper or advisable, and may prescribe their duties, liabilities and powers; to require of them bonds with such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of said officers or agents, a majority of the board concurring in such removal and to fix and to regulate from time to time, the compensation or salaries of all officers of the corporation, including that of the mayor; but no increase in the salary or compensation for the mayor or aldermen shall take place during the term of office in which said increase is made. The officers of the corporation shall continue in office (unless removed) for two years from date of their election and until their successors are qualified; but the board may, at any time, repeal, alter or amend the ordinances creating or employing said officers or agents, or regulate their duties or compensation, and may fill all vacancies that may occur in said offices. The clerk, assessor, collector, treasurer, and marshal, and all such other officers as the board may require to give bond, shall before entering upon the discharge of their duties, give bond with approved security to be approved by the board, (payable to the city of Bridgeport) in such penalty as may be prescribed by the board, with condition to discharge faithfully all the duties of such office, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the city of Bridgeport, for the use of

Appointed  
officers

the person injured; and said bond shall remain for the breaches of its conditions. And the mayor and aldermen may provide summary remedies, by motion or otherwise, before the mayor, against the officers of the corporation and their sureties for any official default or neglect.

Duties of  
city clerk

SEC. 16. *Be it further enacted*, That the city clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have force and effect in a record, and a copy therefrom certified by the clerk, shall be prima facie evidence in any court of record or elsewhere, and said record shall, at all times, be open for inspection. The clerk shall also keep a docket of all the causes instituted before the mayor, and noting and indorsing the orders, judgments, etc., therein, and the date of the issuance and delivery of the original and final process, the delivery and return thereon or the substance thereof; and in another book he shall keep a record or minute of the orders, judgments, etc., in all causes before the mayor as such. He shall keep a separate docket and a record or minute book of the cases instituted before the mayor as justice of the peace, which shall be kept in the same manner as above provided in reference to the causes before the mayor as such, and the said clerk shall make full indexes, direct and reverse, for all his said books. He shall keep and preserve a regular file, as well as the papers in all suits, or cases before the mayor as such, or as a justice of the peace, as all other papers belonging to the board, and the said dockets, indexes, files shall be open for public inspection under such rules and regulations as the board may prescribe; and the said clerk shall perform all such other duties and prepare and keep all other dockets, books and papers that the mayor and board of aldermen may direct; *Provided*, that said board of aldermen may, if they think proper to do so, direct by proper ordinance that the mayor shall be ex-officio clerk of said corporation.

Mayor may  
be clerk

Powers, etc,  
of marshal

SEC. 17. *Be it further enacted*, That the city marshal shall have and possess within the limits of section

— of this act, all the powers and rights of constables, under the laws of the state, and shall be entitled to the same fees for like services. He shall possess within the said limits, in preserving the peace and making arrests, all the powers of sheriffs as a peace officer. He shall execute the orders, notices and processes of the board to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities and remedies which they may provide. The mayor and aldermen may allow to the marshal such salary or compensation, in addition to the specified fees to which he may be entitled, as they deem proper; and in all cases when the marshal is a party to any suit or proceeding, before the mayor, the mayor shall appoint some person to act as special marshal.

SEC. 18. *Be it further enacted*, That the said mayor and aldermen shall have the power and authority to declare, prevent, abate, condemn and remove nuisances, either with or without notice, which the mayor and aldermen must determine from the character of the nuisance, and the extent it endangers public health; to pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from originating or being introduced into said city, and to regulate the mode and manner in which privy sinks and water closets connected with vaults or sewers which shall be dug or used in said city, and to prohibit the same; to establish, control and regulate a sufficient quarantine in the city and within ten miles thereof, and to punish any breach of quarantine laws; and to appoint health officers, prescribe the duties and fix the salaries and compensation of all such health officers as they deem necessary under the existing health laws of the state; and provide places for the reception of the sick; to erect a hospital, house of correction, calaboose or jail, city hall, or any other buildings or work house necessary or expedient for the use of the city, or join with the county of Jackson in any such erections by contract made with the proper authorities of the county; or to acquire by lease, purchase or other contract, or in any other way, the use of

Powers of  
mayor and  
aldermen

Powers  
of mayor  
and alder-  
men

houses or buildings for any purpose necessary or convenient for said city ; to erect lamps and light the city with electricity or gas ; *Provided*, said city shall purchase or acquire said franchises from the present owner thereof ; to establish night watches and patrols ; to erect and repair bridges ; to construct drains and sewers and keep them in repair ; to establish fire wards and fire companies, and to provide for the prevention and extinguishment of fires ; to regulate partition fences, and to determine by whom they shall be kept in repair ; to prohibit and disperse all unlawful and disorderly assemblies ; to license and regulate hawkers and peddlers, and for good cause to annul their license ; to license, restrain and regulate theatrical and other exhibitions, or shows for money, of whatever character, kind or name, and also lectures and concerts for pay, except lectures and concerts for charitable purposes ; to license and regulate hackney coaches, hacks, carriages, wagons, carts and drays running for hire within the corporate limits ; to license and regulate pawnbrokers, auctioneers, and keepers of livery and sale stables and stock-yards ; to license and regulate itinerant merchants and street venders of every description ; to license and regulate insurance and express companies, telegraph companies, dealers or traders in sewing machines, machine companies, and sewing machine agents ; to license billiard rooms and ten-pin alleys ; to fix the price of all taxes, or all licenses granted by the corporation, and to enforce the collection of the same ; to restrain and prohibit gambling and gaming houses and houses of ill-fame ; to establish and regulate markets, and to rent out stalls in the same ; and to prohibit the sale of meat, poultry, fish or game, except at the public market or markets ; to preserve, manage and regulate all burying grounds, or cemeteries belonging to the corporation, and to remove them, and to establish, regulate and manage new ones ; to sink and keep in repair public wells ; to erect and repair hydrants and pumps ; to prevent and punish violations of the Sabbath ; to prevent stock of any kind from running at large in the public streets or alleys of the city ; to regulate the fencing or enclosing of any vacant lot in said city ; to cause to be taken

from time to time a census of said city ; to keep in repair, improve and enlarge the streets, alleys and avenues in said city ; to improve, alter, change, pave, gravel and enlarge the sidewalks of the city under such terms, conditions and regulations upon property owners fronting on the sidewalks to be improved, as the mayor and aldermen may deem just and proper ; to set out shade trees on the public streets, and the public squares, and have the same protected with substantial frames ; to discontinue and close the streets, avenues and alleys when expedient ; to widen or change their direction and open new ones ; to regulate weights and measurers ; to erect public scale houses, and to appoint weighers and measurers ; to purchase all such real estate and personal property as may be deemed necessary and proper for the use and improvement of the city, and to provide for the payment of the same, and to sell the real estate belonging to the city whenever it is advisable ; to construct, erect and manage waterworks or to purchase such waterworks, reservoirs, electric plants and gasworks ; *Provided*, said city shall purchase or acquire said franchises from the present owners thereof, for the purpose of furnishing water or lights for said city. To provide for the measuring of gas and appoint an inspector for the gas meters ; to gravel, macadamize, or otherwise improve any street or part thereof ; to adopt a general system of sewerage. To prevent and prohibit the erection of wooden buildings within such limits as they may deem expedient ; to provide for the removal of such buildings already erected within such limits at the expense of the city, and on making just compensation to the owner ; to establish a jail or guard-house for the imprisonment of the offenders against the laws of the corporation ; to establish and regulate free public schools for the tuition of children residing in the limits of said city of Bridgeport ; to prohibit riots, rows, affrays, assaults and batteries, disorderly conduct and all breaches of the peace and misdemeanors ; to provide for the punishment by fine, or by fine and imprisonment, or by work on the streets, or other work of the city, for any breach of the by-laws or ordinances of the corporation ; but no fine shall

Powers of  
mayor and  
aldermen

exceed fifty dollars, and no imprisonment or work on streets or other works of the city, shall exceed fifty days, and to provide in cases where fines and costs are not paid by the party convicted, or judgement confessed with sufficient surety, that the party so in default shall work out such fine and costs under the direction of the superintendent of streets; *Provided*, the time for such work shall not exceed fifty days, and the convict shall be allowed a credit of not less than forty cents per day for his labor, until fine and costs are discharged; and to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for good government of the city, and not contrary to the constitution and laws of the state, or to restrictions in this act expressed.

Public schools SEC. 19. *Be it further enacted*, That said city shall have power and authority to erect, construct, rent or control public school buildings, to employ teachers and maintain public schools, regulate the salaries of teachers, and the manner of conducting the same and provide such method for their support and maintenance out of the funds derived from taxation or from the sale of bonds as may seem to them proper, and to receive donations in real estate and in money for the benefit of said schools; said city shall be a separate school district under the school laws of the State of Alabama, and the public schools in said city shall be entitled to their pro rata share of the public school money; *Provided*, that no school shall receive any of said public school money except those established by the mayor and board of aldermen and to which they may direct the said money to be paid.

Vagrants, etc SEC. 20. *Be it further enacted*, That the mayor and aldermen shall have authority to cause all vagabonds, idle or disorderly persons, all persons of ill fame, and such as have no visible means of support, or likely to become a public charge as paupers, or are found begging or drunk, in or about the streets, or who can show no reasonable business or employment in the city, or who have no fixed place of residence, or cannot give a good account of themselves, all who are grossly indecent in language or behavior, publicly or in the



streets, and all prostitutes, and such as lead notoriously a lewd, lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support ; and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding ten days, in any one month, unless such security shall be sooner given, which labor shall be such as may be designated by the mayor and aldermen for the benefit of said city, and if such person shall be found afterwards so offending, such security may be again required, and in want thereof, the like proceedings may be had, from time to time, as often as may be necessary in each and every month.

SEC. 21. *Be it further enacted*, That whenever the mayor and aldermen of the city of Bridgeport deem it expedient and necessary to the public good to widen, change or extend a street, lane, avenue or alley, or to open and establish a new street, or to establish a reservoir, said mayor and board of aldermen shall make or cause to be made and entered on the minutes of the board an order to that effect ; thereupon it shall be the duty of the mayor, or in the absence or sickness of the mayor, of one of the aldermen, to make a written application to the probate court of Jackson county, Alabama, for an order of condemnation thereof to such uses. The application must state the date of the order made by the mayor and aldermen, the name and residence of the person or persons if known whose land is sought to be condemned for public use, and whether the same are married women or minors, the uses or purposes for which the land is to be taken, or the interest or easement therein to be acquired. On the filing of such application the probate court shall make and enter an order appointing a date within ten days for hearing thereof. If the owner of the lands is a resident of the state, must issue to him notice of the application, the character and purpose of the same and the day appointed for the hearing of the same, which notice must be served by the sheriff at least five days before the time appointed for the hearing. If the owner be unknown, then the court must give notice of the application and the time appointed for hearing by publica-

Streets, etc

Streets, etc

tion for three successive weeks in some newspaper published in Jackson county. If the owner be an infant, or be of unsound mind, notice must be served on his guardian if there be one resident in the state, but if he resides in the state and has no guardian, then upon the person who may have him in charge or with whom he may reside. If the owner be dead, notice must be served upon the representative. If there be no representative, then upon the heirs-at-law, or the person in charge of the property sought to be condemned. If the owner be a married woman, then the notice must be served on her and her husband. Two or more owners on a continuous street to be established or improved may be joined in the same application and be heard by the court at the same time, the damages to be assessed to each owner respectively. The court must make an order to the sheriff of Jackson county commanding him to summon not less than seven nor more than twelve good and lawful men, inhabitants of the city of Bridgeport, and freeholders not directly interested in the lands or lots through which such street, lane or alley is to be widened, extended or opened, or upon which said reservoir is to be erected, having the qualifications of jurors prescribed by the laws of the State of Alabama, to be and appear before the court on the day appointed by him to hear and consider the application, and from the persons so summoned, a jury of seven good and lawful men must be sworn by the court, and impaneled to ascertain and assess, under the charge of the court and the evidence, the compensation or damages the owner of the land is entitled to receive because of the land proposed to be taken, or because of the interest or easement therein proposed to be acquired. On the rendition of the verdict by the jury, the probate court must make and enter on the minutes of the probate office an order of condemnation in pursuance of the verdict. If, from any cause, a jury cannot be obtained from the jurors so summoned or ordered to be summoned, the court shall order the sheriff to summon talesmen until the jury is completed. Each land owner shall be entitled to three challenges, and the mayor and aldermen of the city of Bridgeport to two challenges. After order of condemnation, and be-

fore such street or alley shall be changed, opened, widened, extended or established, or before land shall be taken possession of for the purpose of a reservoir, the mayor and aldermen shall first pay to the owner, his agent or representative, or the court, the amount of damages assessed, or make a tender of the same; and for the purpose of carrying out the provisions of this section, the board of mayor and aldermen may adopt such rules and regulations on the subject, not inconsistent herewith, as they may deem expedient. Either party may appeal from any assessment or damages made under the provisions of this section to the next term of the supreme court of Alabama within thirty days from the making of said assessment; *Provided*, said appeal shall be a preferred case on the docket of the supreme court. The order of condemnation, after the amount of damages shall have been paid or tendered, shall vest in the city of Bridgeport the easement proposed to be acquired in the land, and an appeal on the part of the land owner or mayor and aldermen shall not prevent the city authorities from proceeding in the work contemplated in this proceeding; *Provided, however*, if the land owner should appeal, the mayor and aldermen shall give a bond payable to said land owner in double the amount of the assessment, before said mayor and aldermen can proceed with said work. Said bond to have two good and sufficient sureties, to be approved by the judge of probate. The hearing, trial and all proceedings herein provided for shall be conducted in all respects in the same manner as proceedings before the probate court now provided by the laws of Alabama for the condemnation of lands for the public use, except where the same conflict with the provisions of this act; *Provided*, that the jurors summoned shall be entitled to one dollar per day each while serving. The judge of probate for his services shall be entitled to two dollars and a half in each case, and the sheriff to two dollars for his services; *Provided further*, that all private property taken for public use under the provisions of this charter shall be valued and the damages ascertained and paid in the manner provided in this section.

Streets, etc

Custody of prisoners      SEC. 22. *Be it further enacted,* That whenever any person is in the custody of the authorities, either before or after conviction of a city ordinance, and is held for such by said city, and such prisoner is charged with the violation of a state law, such prisoner shall be held by said city authorities until legally discharged, or until his sentence has been performed, except in case where said person is demanded by the state authorities under a charge of felony. And the city authorities shall then deliver the said prisoner to the sheriff of Jackson county.

Unlawful contracts      SEC. 23. *Be it further enacted,* That it will be unlawful for any city officer, by himself or his agent, to purchase, deal in or traffic in any manner in a claim, debt, warrant or script due from the city, or to have any interest in any contract let out by said city; *Provided,* this shall not apply to any contracts made between the city and the Bridgeport Land and improvement Company. And any city officer found so dealing or having such interest, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty nor more than fifty dollars, and may be tried before a justice of the peace. But nothing herein contained shall prevent an officer from selling the claims he may acquire directly from the city, or from receiving in good faith any city claims in payment of a debt due to him, or from purchasing in good faith so much of said claims as may be necessary to pay his taxes and licenses for current year.

Authority to levy taxes      SEC. 24. *Be it further enacted,* That the said mayor and aldermen shall have authority to levy taxes on the real and personal estate within the said city, except as is or may be exempt from taxation under the laws of the state or in the United States; on auction and sales of merchandise; on capital employed in business in said city, or incomes of persons residing therein, or itinerant or transient merchants, or any business, trade or profession or calling carried on in said city; and on all other subjects of taxation within said city on which state taxes are now or shall hereafter be levied by the laws of Alabama.

Rate of tax      SEC. 25. *Be it further enacted,* That the said tax on real and personal estate shall not in any one year

exceed one-half of one per cent. on the value of such property as assessed for state taxation during the preceding year, and shall be levied according to assessment and valuation of property taxed, made by the assessor under such rules and regulations as the board may prescribe; which said assessment and valuation the mayor and aldermen shall have authority to review and correct as they may deem just and proper-

SEC. 26. *Be it further enacted*, That the mayor and aldermen shall have the authority to require all persons who have resided in the city for thirty days to work the public streets at least five days in each year, except women, and persons under eighteen or over fifty years of age, except such as have been excused in the manner hereinafter provided. That any person so required to work the streets may relieve himself from so working by paying into the city treasury the sum of three dollars, and all moneys so collected shall be exclusively used by the mayor and aldermen for the improvement of the streets of the city, and for planting out shade trees; *Provided*, that the mayor and aldermen shall have authority to pass ordinances and regulations prescribing the time when such persons who are liable to work the streets shall be called on, what notice shall be given, and to pass all laws necessary to enforce fully this provision. That any person liable to work the public streets of the city who fails or refuses after legal notice either to pay the sum of three dollars or to work the streets under the superintendent or some one else appointed by the board without giving a sufficient excuse therefor, must, on conviction before the mayor, who has full power and authority to hear such cases, be fined not less than five nor more than ten dollars; and should he fail presently to pay such fine and costs or to confess judgment for the same with two good and sufficient sureties to be approved by the clerk of the city payable to the city within thirty days, then he shall be sentenced to hard labor on the streets under the control of the superintendent or some one else appointed by the board for not less than five nor more than ten days. The mayor and aldermen are hereby authorized to pass all by-laws and ordinances for the arrest of persons liable to work

Work on  
streets

on the streets of the city who refuse to comply with the requirements herein set out and to provide for all judgments *nisi* and forfeiture of bonds; *Provided further*, that no male person between the ages of eighteen and forty-five years within the limits of said town shall be exempted or excused from working on said streets or paying the three dollars in lieu thereof, unless exempted or excused by an order entered on the minutes of the proceedings of said mayor and aldermen, done at a regular session of said board, which order may be changed or revoked at any subsequent meeting of said board upon notice given to such person; that no certificate of a physician shall be evidence sufficient to warrant the exemption of such person, but the board may, if they deem proper, examine one or more physicians and such other witnesses as they deem material, touching the bodily infirmity of such person, and if they deem the showing sufficient, may exempt such person from working on the public streets.

Tax on sales,  
etc

SEC. 27. *Be it further enacted*, That said mayor and aldermen shall have power to require merchants, auctioneers, commission merchants and other persons liable to pay taxes on sales of goods, wares and merchandise, to pay annually a tax on the gross amount of their stock on hand, not exceeding such tax as may be by the laws of the state be levied on such stocks. On all transient merchants, peddlers and auctioneers, or other persons not having a permanent place of residence in said city, who may in said city engage in making said sales, said mayor and aldermen may impose a tax, either on the privilege of engaging in such business in said city, or on the value of the goods by them offered for sale, or on the amount of their sales, to be paid at such times as they may appoint; and if said person shall remain in said city for the space of twelve months, engaged in business, they shall be entitled to pay the tax on gross sales annexed, as herein provided for, and to deduct therefrom of the taxes paid, and to a return of any excess of such tax as they may have paid.

SEC. 28. *Be it further enacted*, That power and authority are hereby given to said mayor and aldermen to establish such rules and regulations not inconsistent



with this act, for the assessment and collection of the taxes authorized by this act, as they may deem expedient; and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties subject to the restrictions hereinbefore expressed for the violation of the ordinances in reference to the taxes and revenues of the city as they may deem proper and expedient; *Provided*, that the powers conferred in this section shall not extend to imprisonment for debt. For any mistake or other defect in the assessment or levy of the taxes, said board may, if they deem it necessary or expedient, set aside such assessment, or levy, in whole or in part, according to the circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

Assessment  
and collec-  
tion

SEC. 29. *Be it further enacted*, That all taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall continue a lien on the property assessed, and on all other property within the corporate limits owned by the said party against whom the same are levied or assessed, and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by a sale of the property. All such sales of property for the non-payment of taxes must be after thirty days notice by advertisement in a newspaper published in said city. The person appointed to collect said taxes shall make such sales under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate so sold, a certificate of purchase in such form as the board may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts stated therein; and also that the requirements of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with; *Provided however*, that real estate sold for the payment of taxes under this act, may be redeemed at any time within two years from the sales, on the payment of the amount for

Lien for  
taxe

Tax sale

Right to re-  
deem

which such property was sold, with interest at the rate of twenty per centum per annum on all taxes and costs which have accrued; and if the purchaser does not reside within the limits of the corporation the same may be redeemed by payment made into the corporation treasury, for the benefit of the purchaser. Infants and lunatics shall be allowed one year after the removal of their disabilities for the redemption of their real estate. Upon such payment or deposit being made within the period allowed for redemption, such sale and certificate shall cease and determine. But if such property is not reclaimed the owner shall be liable to an action of unlawful detainer as now regulated by the statutes of the state before a justice of the peace.

Mortgage  
liens superior

SEC. 30. *Be it further enacted*, That for the encouragement of investors in building houses and improvements in said city, and to enable builders to pay mechanics and material-men as the work on buildings and improvements progresses, persons who loan money for the purpose of erecting houses, and improvements, who take and record mortgages on the real estate to be improved, and the improvements there are made to secure said loans, shall have a lien and claims by virtue of said mortgages superior to the claim or liens of material-men and mechanics on the same; and mortgages on improved lots executed after the improvements are erected are to be liens superior to mechanics liens, and the liens of material-men on the same unless the mechanic or material-man has filed his lien in the probate court as required by law before the execution and record of such mortgages.

Social clubs

SEC. 31. *Be it further enacted*, That the said mayor and aldermen may, by ordinance authorize the organization of social clubs and authorize them to buy, own or rent club rooms and such furniture and other property as may be deemed necessary or convenient for them to own, and said clubs may own or rent billiard tables and other outfit for the entertainment or amusement of its members, and such tables and games shall not be liable to any license tax to the state or county; *Provided*, that they shall not be used for the purpose of betting on any game or games played thereon, and shall not be open for the use of the public for pay or hire.

SEC. 32. *Be it further enacted,* That the board of mayor and aldermen, may deem it proper and expedient to issue bonds of the city of Bridgeport, for the purpose of building school-houses in said city, grading and improving the streets, sidewalks and parks, and sewers of the city, and for all other proper and necessary public improvements of said city; said bonds shall mature not longer than thirty years from the date of their issuance and bear a rate of interest not greater than six per cent. per annum, and they shall not be sold by the said city at less than par; they shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars; the total amount of said bonds authorized to be issued shall not exceed two hundred thousand dollars; the interest on said bonds shall be payable semi-annually on the first days of January and July of each year. The said bonds shall be signed by the mayor and countersigned by the treasurer of said city and shall be stamped with the seal of said city; a record of the ordinance of said city directing the issuance of said bonds under this act, shall be kept in the minutes of the proceedings of said board; a record shall also be kept in a well bound book showing the denomination of each bond sold, and the number thereof, the amount for which it is sold, the name and address of the purchaser, and the date of the issuance of said bond; and it shall be the duty of the board of mayor and alderman to provide a fund for the payment of the interest on said bonds, and to establish out of the revenues of said city a sinking fund to pay the principal of said bonds as they respectively fall due. Any officer of said city who sells or authorizes the sale of said bonds, for or on behalf of said city at less than par, or who issues said bonds in violation of this charter, shall be guilty of a misdemeanor and on conviction shall be fined and imprisoned as provided by law.

May issue  
bond

SEC. 33. *Be it further enacted,* That the mayor and alderman elected at the first election under this act shall serve without compensation, except the perquisites hereinbefore provided, and after the expiration of the said first term of two years their compensation may be fixed by the board.

Compensation

SEC. 34. *Be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act be, and the same are hereby repealed.

Approved February 18, 1891.

403]

AN ACT

[H. 360

To amend section 1583 (2008) of the Code of Alabama.

Consolidati'n  
of railroad  
corporations

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1583 (2008) of the Code of Alabama, be, and the same is hereby amended so as to read as follows: 1583 (2008).—*Consolidation of Railroad Corporations*.—Whenever the lines of any two or more railroads, or contemplated railroads, chartered under the laws of this or any other State, which, when completed, may admit the passage of burden or passenger cars over any two or more of such roads continuously without break or interruption, such companies are authorized before or after completion to consolidate themselves into a single corporation in the manner following: The directors of such corporation may enter into an agreement under the corporate seal of each for consolidation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors thereof, which shall not exceed thirteen, the time and place of holding the first election of directors, the number of shares of capital stock in the new corporation, the amount of each share, the manner of converting the shares of capital stock in each corporation into shares into the new corporation, the manner of compensating stockholders in each of the two or more corporations, who refuse to convert their stock into the stock of the new corporation, with such other details as they shall deem necessary to protect such consolidation; and such new corporation shall possess all the powers, rights and franchises conferred upon the two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by the provisions of this article. The

stockholders in either of such corporations, who shall refuse to convert their stock into the stock of the new corporation, shall be paid actual value for each of their shares held by them, if they shall so require, previous to the consolidation being consummated. Such agreement of the directors shall not be deemed to be the agreement of the two or more corporations until after it has been submitted to the stockholders of each of the corporations separately, at a meeting thereof, to be called upon a notice of at least thirty days, specifying the time and place of such meeting, and the object thereof, to be addressed to each stockholder, when his place of residence is known, and deposited in the post-office, and published for at least three successive weeks, in one newspaper, in one of the cities or towns in which each of said corporations has its principal office of business, and has been sanctioned by such stockholders by a vote of at least two-thirds in amount of the stockholders present at such meeting, voting by ballot in regard to such agreement, either in person or by proxy, each share of capital stock being entitled to one vote. When such agreements of the directors have been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement shall be deemed to be the agreement of the two or more corporations; *Provided*, That every such new corporation so formed shall keep an office in the state of Alabama, and be in all respects subject to the laws of the State of Alabama as a domestic corporation,

Consolidation of railroad corporations

Approved February 18, 1891.

404]

AN ACT

[H. 760

To establish a charter for the town of Albertville in Marshall county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within boundaries hereinafter designated are hereby incorpo-

Name,  
rights, etc rated and constituted a body politic and corporate under the name of Albertville, and by that name may sue and be sued, receive and grant and do and have and enjoy all such other acts as natural persons may within the powers herein granted and conferred, and may purchase and hold property, real and personal, for municipal purposes, and may have and use a corporate seal that may be altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate limits of said Albertville shall be and the said municipality of Albertville shall be included within the following area, to-wit: All that area embraced in a tract two miles square, with the center of the square at the center of the intersection of Broad and Main street in the centre of Albertville, Marshall county, Alabama, it being the meaning hereof that it shall be one mile in each direction from said center of intersection of Broad and Main streets, to the boundary line of said corporation, on a line drawn from said center point at right angles to any of the four sides of said square.

Annual elec- SEC. 3. *Be it further enacted*, That the govern-  
tions ment of said municipality and the corporate powers shall be exercised by a mayor and five councilmen, who shall be elected as hereinafter provided on the first Tuesday in March, 1891, and annually on the first Tuesday in March thereafter, by ballot by the legally qualified electors of the State of Alabama who have resided within the corporate limits of said Albertville 30 days next preceding such election. The first election held under the provisions of this act shall be held and conducted by the sheriff of Marshall county, who, to that end with the probate judge of said county, shall appoint three qualified electors residing in said Albertville as managers of said election; that said managers shall be duly sworn in all things to conduct said election as provided by the law for holding elections in the State of Alabama; that the polls at such election shall be opened between the hours of 8 and 9 a. m., and be kept open until the hour of 5 p. m.; that said managers shall count the votes cast, make up a poll list of the persons who voted, and with their certificate endorsed thereon showing the persons voted for, and for what offices voted for, and deliver the same in a



box sealed up, to the sheriff, who shall return the same to the probate judge of said county as delivered to him. Within three days after such election the said probate judge and sheriff shall count the votes and declare the result thereof. The persons receiving a plurality of the votes cast shall be the mayor and councilmen for one year next succeeding. All elections for municipal officers thereafter shall be held under regulations adopted by the municipal authorities, who shall count the votes and declare the result. No person shall be a qualified voter at the election hereinabove provided for who has not been duly registered for the beat in which Albertville is situated, under the state laws. Persons otherwise qualified as electors may be registered at the polls by the sheriff on the day appointed for the election aforesaid. After the first election the municipal authorities, at least twenty days before each succeeding election, shall make provisions for registering the electors residing within the corporate limits of Albertville. In all elections where there is a tie between any two persons voted for, when one only can fill the office to be filled, the election for that place must be by the authority or authorities holding the election referred back to the electors of Albertville for a choice. At any municipal election held under this act any person offering to vote may be challenged by either of the managers, or by any qualified elector, and it is the duty of each manager to challenge any person offering to vote whom he knows or suspects not to be a qualified elector. The person so challenged may be examined under oath by the managers as to his qualifications, and the managers may examine other persons touching his qualifications. In all such cases the managers are authorized to administer the oath to answer questions, and when proof is taken, may receive or reject the ballot offered.

SEC. 4. *Be it further enacted*, That any person who obtains registration when he is not entitled in his own name or the name of another by an assumed name, and thereby casts a vote, or who swears falsely when challenged, or who, after having once voted at such election, votes a second time, or who shall aid another person not entitled to register and vote, to vote

Illegal registration or voting

at such election, shall in each and every such case be guilty of a felony, and shall on conviction, be punished by imprisonment for not less than six months and not more than one year, if the municipality require it.

SEC. 6. *Be it further enacted*, That the mayor, or Mayor's court in his absence any councilman, shall hear and determine all cases of violation of the by-laws or ordinances or of the charter of said Albertville, and punish offenders in such manner as may be prescribed by such by-laws and ordinances, and shall receive such fees or salary as the board may prescribe. The mayor shall have and possess within the corporate limits of Albertville all the powers and jurisdiction, both civil and criminal, of a justice of the peace, and shall be subject to the corresponding duties and liabilities of a justice of the peace, and before acting as a justice of the peace must give bond like other justices of the peace. Before entering upon the duties of his office as mayor, the mayor shall give bond, to be approved by the probate judge of Marshall county, in the sum of one thousand dollars, payable to Albertville, and conditioned for the faithful performance of his duties as mayor. From any judgment of the mayor rendered in cases of violation of municipal ordinances or by-laws, an appeal will be allowed if taken within five days thereafter to the next term of the circuit court of Marshall county, on defendant entering into bond with surety, to be approved by the mayor, payable to said Albertville, for such sum as the mayor may require, not less than double the fine and costs, and conditioned to prosecute such appeal to effect and to pay such judgment as the appellate court may render in said cause. In case the appellant make default the appellate court may affirm the judgment of the mayor and render judgment against the defendant and his sureties on the appeal bond for the amount of fine imposed by the mayor and costs of the appeal. In case the defendant appear to prosecute his appeal, the trial shall be *de novo*, and if judgment be rendered against the defendant for money the court must also render judgment against the sureties on the appeal bond for the amount of said judgment and costs of the appeal, and in addition thereto, if the judgment be imprisonment, or hard labor, the

defendant shall be remanded to the municipal authorities of Albertville for punishment. Where the judgment of the court shall be only imprisonment or hard labor, then the court shall render judgment against the defendant and the sureties on the appeal bond for cost of the appeal, and for the cost imposed by the mayor. The mayor or councilman acting as mayor shall have power when so authorized by ordinance upon the trial of offenders to impose fines, imprisonment or hard on the streets. In all cases where a person is accused of violation of an ordinance, he may give bail with sureties for his appearance before the mayor for trial, and if he makes default, the mayor may declare his bail forfeited and enter judgment, after notice, to his sureties, against the defendant and his sureties for the amount of the bond, or in such sum as the circumstances of the case may authorize.

Penalties

Bail

SEC. 7. *Be it further enacted*, That the mayor and councilmen of Albertville shall have full power to adopt and enact all by-laws and ordinances for the well being of the inhabitants of Albertville authorized by this act, and not in conflict with the constitution and laws of the state of Alabama, and to affix thereto appropriate penalties for violations of the same by fine not exceeding fifty dollars, and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said Albertville, failing to pay such fine, may be imprisoned or placed at hard labor until such fine and costs are paid, for a term not exceeding thirty days. 2. To pass all ordinances to prevent and abate nuisances, and to punish persons creating or allowing nuisances on their premises or elsewhere; to pass all laws necessary to prevent the introduction of contagious diseases into the town; to preserve health, and to establish and regulate quarantine and pest houses. 3. To maintain hospitals, and to provide and keep up a cemetery. 4. To license, tax and regulate theatrical and other amusements, circuses, menageries, shows and exhibitions for the sake of gain; all trades, businesses, occupations and professions. 5. To restrain or prohibit gambling houses, houses of ill fame, and to prevent and punish all vio-

Powers of  
mayor and  
councilmen

cers or agents, of all subjects of taxation, and for the listing of the same by the taxpayer for taxation, and if the taxpayer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits, and to make all needful regulations, equalize the value of property assessed, and to provide that the same be assessed at its proper valuation in accordance with law.

Tax collector SEC. 11. *Be it further enacted*, That the mayor and councilmen are empowered to make all needful regulations, and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax collector, who shall qualify by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed or elected to perform the duties of assessor, collector and clerk of the municipality.

Warrant to collect SEC. 12. *Be it further enacted*, That when the books of assessment shall be completed and returned to the mayor and councilmen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant annexed to the tax-list or book of assessment to the collector of the corporation tax, which list shall contain the names of the tax-payers, a description of the real estate, its valuation, and the taxes assessed thereon, and the amount of personal property assessed to each tax-payer, and the tax assessed thereon, and such tax list with the warrant annexed, shall have force and effect of an execution, and shall be a preferred lien on all the property within the corporate limits, or brought within the corporate limits of every person assessed with the same over all encumbrances except the state and county taxes from the date of the assessment.

Lien for taxes SEC. 13. *Be it further enacted*, That all taxes assessed and levied within the corporate limits of Albertville shall have the force and effect of a judgment at law, and in addition to the remedy hereinafter given, the corporation of Albertville may bring suit in any court of law or equity against the person or per-

enforce the duty when required. The inhabitants of said Albertville are relieved from duty on the public roads of the county. 18. To license hacks and drays, regulate the running of the same, and to protect them in collection of their lawful charges. 19. To establish, regulate and control a system of public schools and maintain the same.

SEC. 8. *Be it further enacted*, That the mayor and councilmen are authorized to create all such offices, and to appoint all such officers and agents as may be necessary to carry into effect the powers conferred by this act; to prescribe their duties; to fix their compensation and the terms of service; to regulate and control them in their performance of their duties, and to remove or discharge such officers and agents. Appointed officers, etc

SEC. 9. *Be it further enacted*, That the said mayor and councilmen have full authority to purchase, and provide for the payment of the same, all personal and real estate deemed necessary from time to time for public use and convenience, and to construct suitable public buildings for council chambers, market houses and school houses. May purchase property, etc

SEC. 10. *Be it further enacted*, That the mayor and councilmen of said Albertville, to provide public revenues, are authorized to levy taxes on real and personal property, capital employed in business in said municipality, auction sales, sales of merchandise, gross amounts of commissions or sums received during the preceding year by any factor, commission merchant, broker or buyer, on the gross receipts of each trade conducted within or derived from a business carried on in, or partly within, said municipality, and on all salaries whether from public or private employment, after deducting the expenses of carrying on such trade, occupation or employment *Provided*, that where capital employed is invested in goods, wares or merchandise a tax shall not be levied upon the capital and at the same time upon the property in which the same is invested; and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and councilmen are authorized to establish regulations to insure correct returns of the proper officer, or offi- Authority to levy taxes

cers or agents, of all subjects of taxation, and for the listing of the same by the taxpayer for taxation, and if the taxpayer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits, and to make all needful regulations, equalize the value of property assessed, and to provide that the same be assessed at its proper valuation in accordance with law.

Tax collector SEC. 11. *Be it further enacted*, That the mayor and councilmen are empowered to make all needful regulations, and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax collector, who shall qualify by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed or elected to perform the duties of assessor, collector and clerk of the municipality.

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Lien for taxes SEC. 13. *Be it further enacted*, That all taxes assessed and levied within the corporate limits of Albertville shall have the force and effect of a judgment at law, and in addition to the remedy hereinafter given, the corporation of Albertville may bring suit in any court of law or equity against the person or per-



sons assessed, jointly or severally, and recover such sum as may be found to be due for taxes and charges.

SEC. 14. *Be it further enacted*, That after giving notice by advertisement by posting, or in a newspaper published in Albertville, for twenty days, that the corporation taxes are required to be paid to him on or before a certain day, it shall be the duty of the tax collector to enforce the collection of the same by a levy upon and sale of the personal property of the delinquent tax payer at public auction, first giving fifteen days' notice by posting of the time and place of sale. If after taxes have been assessed, the tax collector shall become satisfied that the taxes due from any person are in danger of being lost by delays, he is authorized and required, without delay, to seize, levy upon and sell any personal property liable for the payment of taxes.

Tax sale of  
personal  
property

SEC. 15. *Be it further enacted*, That the failure of the collector to seize and sell personal property for the payment of taxes in default, shall not be a defense or ground of objection to the sale of real estate for taxes in default or in arrear. The mayor and councilmen are authorized by ordinance to adopt the procedure for the sale of real estate, for the collection of taxes as set forth in article 3, chapter 5, title 7, part 1, code of 1886, and jurisdiction to end is hereby conferred upon the probate judge of Marshall county, State of Alabama, to hear and determine and enter decrees of sale for the amount of taxes due, with costs and charges thereupon. The purchaser of land at such sale shall receive a deed therefor executed by the tax collector of the corporation of Albertville, conveying all the estate the tax-payer had therein at the date of the assessment of the land for taxation. By virtue of the deed so executed, the purchaser may sue for at law and recover possession of the real estate thereby conveyed, with the rents thereof from the date of the execution of the deed. In all suits brought under this act for the possession of real estate, the decree of the probate judge ordering the land to be sold and the deed therefor executed by the said tax collector, shall be *prima facie* evidence of the right of the purchaser, or those claiming under him, to recover the real estate sold. If

Tax sale of  
real estate

the land is in possession of a tenant, notice to him by the purchaser, after a lapse of ten days from the time of the sale that he is the purchaser, and that the land has not been redeemed, vests the right to the possession in him in the same manner as if such tenant had attorned to him.

Right to re-  
deem

SEC. 16. *Be it further enacted*, That any real estate sold pursuant to the provisions of this act, may be redeemed within two years from the date of the execution of the deed, by the owner or any person interested in the same paying or tendering to the purchaser or his vender the amount of the purchase money with interest at the rate of sixteen per cent. per annum, all taxes, state, county and municipal paid by the purchaser, the value of all improvement erected thereon necessary to keep the property in repair, and to make it productive by the purchaser, such value to be ascertained as now provided by the laws of the State of Alabama, and lawful charges thereon. When the vendee does not reside in Albertville, the owner or any one interested therein, may redeem the same by making payment as aforesaid into the treasury of Albertville, for the person entitled thereto, who shall be promptly notified thereof. When possession has been delivered to the purchaser by the taxpayer, if the land is not restored to him upon complying with the foregoing provisions, he may recover possession of the same by an action of unlawful detainer before a justice of the peace, or an action of ejectment. The municipality of Albertville is authorized to purchase property sold at tax sale which sells or no more than the amount of taxes due and the cost and charges, receiving therefor the deed of the tax collector, and is entitled to the same remedies as other purchasers for the possession of the same. The mayor and councilmen may let or use unoccupied real estate of minors, non-residents, unknown owners or persons *non compos mentis*, until the taxes due on such property shall be paid by the rents or use thereof.

License tax

SEC. 17. *Be it further enacted*, That from every person, firm or corporation conducting or carrying on any business, trade, occupation or profession within the corporate limits of Albertville, the mayor and councilmen are authorized to collect a license tax, the amount

thereof to be, as far as may be requested by the volume of the business or trade and the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance.

SEC. 18. *Be it further enacted*, That all the provisions of this act shall be liberally construed to enable the mayor and councilmen to carry into effect all the powers conferred hereby. To be construed liberally

SEC. 19. *Be it further enacted*, That for any service rendered by the probate judge and sheriff of Marshall county, they shall receive fees and compensation as paid by the State of Alabama and Marshall county for similar services, to be paid by Albertville. Fees

SEC. 20. *Be it further enacted*, That the territory embraced within the corporate limits of Albertville be and the same is hereby constituted a public school district, and the mayor and councilmen, for the use of the public schools, are authorized to collect all poll tax from persons liable therefor living within the corporate limits of Albertville; and a payment of such poll tax to the tax collector of Albertville shall be a full discharge of liability therefor to the tax collector of Marshall county. School district

SEC. 21. *Be it further enacted*, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors or intoxicating bitters or beverages within the corporate limits of Albertville; *Provided*, that the provisions\* of this act shall not be construed as to prevent the use of wines for sacramental purposes in said limits. Liquor prohibition

SEC. 22. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty nor more than one hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for a term not exceeding six months, one or both, at the discretion of the court or jury trying the same. Misdemeanors

Approved February 18, 1891.

To loan and appropriate the two and three per cent. fund now in the treasury.

Appropriation for survey

SECTION 1. *Be it enacted by the General Assembly of Alabama*, The sum of nine thousand dollars of the two and three per cent. fund now in the treasury of the State of Alabama is hereby appropriated to make a thorough, complete and definite survey of a line of railroad from Florence, on the Tennessee river, via Tuska-loosa to Mobile. The notes, plans, profiles and estimates of cost of said road shall be properly made and arranged for publication, and in addition to the notes, plans, profiles and estimates of said survey provided for above, a complete practical and statistical account of all the elements on and along the line of said survey shall be properly and truthfully tabulated and stated, together with such other statement as may be necessary to set before the world the cost of building, and the value and importance of said railway to the builders and to the State of Alabama; which said estimates, statistics and other items of interest and importance shall be turned over by the commissioners to the governor of the State of Alabama for publication by him, as are other state documents.

Commission

SEC. 2. *Be it further enacted*, That a commission of three is hereby raised, which shall act without compensation, consisting of Thomas Seay, of Hale, chairman; John T. Milner, of Jefferson, and R. T. Simpson, of Lauderdale, who shall have charge and control of the making of said survey, and who shall have charge of the engineers and other persons employed in making said survey, with control of expenditure of the said fund until the said survey and information is completed and obtained.

Governor to draw warrants

SEC. 3. *Be it further enacted*, That the governor of Alabama, upon notification by the commissioners as above constituted that they are ready to proceed with said survey, or upon application of the said Thomas Seay, chairman of the commission, shall draw his warrant for the sum of twenty-five hundred dollars, and the treasurer of the State of Alabama shall pay to said

Thomas Seay, chairman, or other person deputed by said commission, the sum of twenty-five hundred dollars out of the two and three per cent. fund now in the treasury, to begin the work of said survey, and thereafter and as often, until the said survey is completed, upon the application of commissioners, like sums shall be provided for and paid on warrants issued by the governor, until the said nine thousand dollars of the two and three per cent. fund appropriated for the survey shall be exhausted; *Provided*, that if either the above named gentlemen shall fail to act, or a vacancy occur, the governor shall fill such vacancy.

SEC. 4. *Be it further enacted*, That the true intent and meaning of the above section of this act is to make a complete and thorough survey, and to obtain all possible information as to the value of a line of railway from Florence, via Tuskaloosa to Mobile and to obtain all useful information in regard to the same for the builder, as for the people of Alabama; *Provided*, that the state geologist shall give to the said commission all the information and aid in his power to enable them to properly locate the said railroad for the development of the mineral interest of the state.

Intent of  
above section

State  
geologist

SEC. 5. *Be it further enacted*, That the sum of ten thousand dollars of the said two and three per cent. fund now in the treasury, be loaned to the Montgomery, Tuskaloosa and Memphis Railroad Company, a corporation under the laws of Alabama, for the purpose of aiding them to complete their railroad from Montgomery to Tuskaloosa, upon the following terms, to-wit: The said loan shall be at the rate of six per cent. per annum, and for the term of four years, and may be applied for immediately after the passage and approval of this act.

Loans to M.  
T. & M. R.  
R. Co

SEC. 6. *Be it further enacted*, That the governor of the State of Alabama, in making said loan, shall take notes or other obligations from the said Montgomery, Tuskaloosa and Memphis Railroad Company, with good and sufficient sureties, to secure the repayment of said sum as hereinafter provided, and upon the conditions hereinafter provided.

Duties of  
governor

SEC. 7. *Be it further enacted*, That whereas, the said Montgomery, Tuskaloosa & Memphis Railroad

Obligations  
to be cancell-  
ed on condi-  
tions

Disposition  
of if road not  
built

Company, contemplate extending their railroad through the county of Pickens at an early date; now if said railroad does extend through the county of Pickens within three years after the passage and approval of this act, then the said securities or obligations shall be returned to the said railroad company, and the said notes and obligations shall be cancelled and returned to said railroad company. But in the event said railroad is not built through the county of Pickens within said three years, then the governor shall turn said notes and obligations of the Montgomery, Tuskaloosa & Memphis Railroad Company over to court of county commissioners of the county of Pickens, to be recovered as against the said Montgomery, Tuskaloosa & Memphis Railroad Company, its successors or assigns, and their sureties, by the said court of county commissioners, to be applied to the building of any railroad entering into the county of Pickens that they may select; *Provided*, that if no railway is built, or ten miles graded in the county of Pickens within two years after said notes and obligations have been turned over to the said court of county commissioners, then and in that event, the said notes and obligations or the proceeds thereof, shall be returned to the State of Alabama, and be placed as they now are, a trust fund in the treasury of Alabama.

Montgomery  
and Sylacauga

SEC. 8. *Be it further enacted*, That the sum of five thousand dollars of the said two and three per cent. fund is hereby appropriated to the building of a railway from some point on the Coosa river in either of the counties of St. Clair, Etowah, or Cherokee to the city of Montgomery by the Montgomery & Sylacauga Railroad Company, or its successor or assigns, provided that ten miles of the said railway is graded within two years from the passage and approval of this act.

Montgomery,  
Hayneville  
and Camden

SEC. 9. *Be it further enacted*, That of the two and three per cent. fund in the treasury of Alabama, amounting to seven thousand four hundred and fifty-eight 62-100 dollars is hereby appropriated for the Montgomery, Hayneville & Camden Railway Company, and the said sum shall be paid to the said company upon the completion of the grading of ten miles of said railway from Camden in the direction of Montgomery.



SEC. 10. *Be it further enacted*, That for the above appropriations, as herein made, immediately upon proper satisfactory evidence that the appropriations have been earned as set forth in the provisions of this act, the governor of Alabama shall draw his order upon the auditor, who shall draw his warrant on the treasurer for the several sums found due, and the said sums shall be drawn from the two and three per cent. fund now in the treasury upon the warrants as aforesaid.

Governor to draw warrant on auditor

SEC. 11. *Be it further enacted*, That the appropriations heretofore made by act of the general assembly, approved February 26, 1889, which have not been earned, shall cease and determine according to the terms of said act.

Former appropriation cease

SEC. 12. *Be it further enacted*, That if the several appropriations be not earned or used within two years, then all benefits accruing to the said different beneficiaries included in this act, shall cease and determine and be of no value whatever.

Appropriations cease in two years

SEC. 13. *Be it further enacted*, That the sum of fifteen hundred dollars of the two and three per cent. fund now in the treasury be, and the same is hereby appropriated to the Rutledge and Julian Railroad Company for the purpose of aiding it in the completion of its railroad from Julian to Rutledge, and the auditor of Alabama is hereby authorized and empowered to draw his warrant upon the treasurer for said sum of fifteen hundred dollars payable to the president of said Rutledge and Julian Railroad.

Rutledge and Julian

Approved February 18, 1891.

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AN ACT

[H. 1053

To regulate the trial of misdemeanors in St. Clair county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of St. Clair county, have concurrent jurisdiction with the circuit court thereof for the trial of all misdemeanors, and that the presiding judge of the circuit court at each succeeding

Jurisdiction of county court

term shall enter on the minutes of his court on the day of adjournment an order requiring the clerk of the circuit court to deliver to the judge of the county court all indictments presented or filed in the circuit court and not finally determined, against persons charged with misdemeanors, and after the making of such order the jurisdiction of the circuit court shall cease except in cases of appeal and demand for jury trial as hereinafter provided, and exclusive jurisdiction shall vest in the county court.

Duties of  
clerk

SEC. 2. *Be it further enacted*, The clerk of the circuit court shall be ex-officio clerk of the county court in all cases and indictments so transferred. It shall be his duty to enter the causes transferred, as hereinbefore mentioned, on the docket of the county court, to deliver to the judge thereof all papers belonging to them, to prepare and furnish a certified transcript of all minutes, entries and proceedings had or made in any such cause in the circuit court, if, the judge of the county court shall so order and in causes where arrests have not been made, to issue capiases forthwith, returnable to the first day of the next term of the county court.

Duties of  
judge of  
county court

SEC. 3. *Be it further enacted*, That it shall be the duty of the judge of the county court to hear, consider and decide these causes without a jury, as now provided by law in cases originated in the county court, unless the defendant demand a jury before the trial is commenced; but if a jury is demanded before the trial is commenced then the proceedings shall be as now provided and prescribed on demand of trial by jury in county court, as expressed and set out in section four thousand two hundred and nineteen, (4219) (4717) volume II, code of Alabama, 1886.

Indictments  
amended

SEC. 4. *Be it further enacted*, That indictments may be amended and corrected when the name of the defendant is incorrectly stated or when any person property or matter therein stated is incorrectly described or other defects therein, as may now be done in cases tried in the circuit court under the general laws of this state.

Proceedings

SEC. 5. *Be it further enacted*, That all proceedings as to bail, conditional judgment, forfeitures, judg-

ments final, and alias warrants of arrest shall be the same as now provided by law in cases tried in said county court and in the circuit court, and in all cases transferred as above provided, judgments may be set aside, reduced or made absolute, and the same orders taken as if all former proceedings, orders and judgments had and taken in the circuit court, had been made and rendered at prior terms of the county court.

SEC. 6. *Be it further enacted*, That in all causes Appeals tried in the county court under this act the defendant, if convicted, may appeal to the next ensuing term of the circuit court on entering into bond with two or more sufficient sureties to appear at the next term of the court to which the appeal is taken, and from term to term until discharged by law; the bond to be in such sum as the judge of the county court may prescribe and to be approved by the sheriff.

SEC. 7. *Be it further enacted*, That the fees of the judge of the county court shall be the same in the Fees cases so transferred for like services as now prescribed by law and shall be paid in the county treasury as now required by law, and the judge shall receive for all the proceedings had before him in each case including bond and certified copy of proceedings on appeal two dollars and fifty cents, and for each judgment against a defaulting witness or on forfeited undertaking of bail two dollars, which shall be paid out of the county treasury; that the fees of the sheriff and clerk shall be the same as allowed by law for like services in the circuit court, to be taxed, collected and paid in the same manner.

SEC. 8. *Be it further enacted*, That all laws and Laws in conflict repealed parts of laws in conflict with this act are hereby repealed; *Provided*, That nothing herein contained shall be construed as to conflict with the power and jurisdiction of the county court of said county under the general laws of this state, nor to alter or change the mode of proceedings in cases originating in said county court.

Approved February 18, 1891.

To incorporate the Birmingham Investment and Security Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That A. B. Johnson, F. Y. Anderson, James E. Webb, and Rufus N. Rhodes, and their associates and successors, be and they are hereby constituted and created a body corporate under the name and style of the Birmingham Investment and Security Company; and that by said name the said corporation may contract and be contracted with, and sue and be sued in all the courts of law and equity, and shall have the right to make and use a common seal, and to alter and break the same at pleasure.

Name, rights, etc

SEC. 2. *Be it further enacted*, That said corporation shall have authority to buy, sell, hold, own and mortgage or otherwise dispose of real estate and personal property, and also to buy and sell, hold and own stocks, notes, bills and mortgage of other corporations, and of individuals, either in its own behalf, and for its own use, or as trustee for others.

Authority to buy, sell, etc

SEC. 3. *Be it further enacted*, That said corporation may, and it is hereby fully authorized and empowered, in the exercise of its corporate powers under this charter, to encourage and aid in any way consistent with the powers herein and hereby conferred, individuals and other corporations proposing to establish and carry on manufacturing enterprises in or near the city of Birmingham, in Jefferson county; the main purpose and object of this incorporation being the aiding of manufacturing enterprises in and near to the said city of Birmingham, in Jefferson county, Alabama, by purchasing, holding and owning stock in such other corporations and by purchasing and holding the bonds issued by any such other corporations or individuals and by indorsing such bonds, and realizing thereon; and that the said corporation hereby incorporated, for the purpose of carrying out the main purposes of its own incorporation under this act, is hereby fully authorized and empowered to issue its own bonds; at no time, however, to exceed in amount the capital stock actu-

Purpose and object

ally paid in, and at a rate of interest not to exceed eight per cent. per annum, and to secure the said bonds by a first mortgage or deed of trust on such part or all of its property as it may elect, mortgage or pledge as security for such bonds.

SEC. 4. *Be it further enacted*, That the capital stock of said corporation shall consist of not less than five hundred shares, of the par value of one hundred dollars per share, aggregating fifty thousand dollars, nor more than five thousand shares; and that when the said sum of fifty thousand dollars shall have been actually paid into the treasury of said company, or secured to be paid in a manner which shall be satisfactory to the directors of said company, that the said company shall be considered and deemed as fully organized and empowered to do and perform any and all of the acts and powers which are given to it by this act; and that at any time upon a resolution adopted by its board of directors, the said corporation may increase its capital stock to such an amount as it may see fit, not, however, to exceed the sum of five hundred thousand dollars.

Approved February 18, 1891.

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AN ACT

[H. 732

To establish three separate school districts in Cullman county, to be known as the Jones Chapel School District, the County Line School District, and the Good Hope School District in Cullman county, Alabama, and to provide for the election of a board of trustees for each of said school districts with certain duties and powers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That three separate school districts, to be known as the Jones Chapel School District, the County Line School District, and the Good Hope School District, in Cullman county, Alabama, be, and the same are hereby established, which districts shall be composed and consist of all that territory within the fol-

Capital stock

Three school districts

lowing named boundaries, to-wit: First, Jones Chapel School district, commencing at Crooked creek, where the township line between townships 9 and 10 crosses said Crooked creek, thence running northerly up said creek to where it crosses the section line between sections 24 and 25 in township 9, range 5 west, thence due west along said section line to the corner of sections 22, 23, 26 and 27 in said township, thence north one-half mile, thence west to Jones creek, thence westerly down said Jones creek to Blevins creek, thence southerly down said Blevins creek about four miles to where said creek crosses the section line between sections 8 and 17, in township 10, range 5, west; thence east along said section line to Crooked creek, thence northerly up said Crooked creek to point of beginning, being in townships 9 and 10, range 5, west. Second. County Line School District—Commencing at the Cullman and Morgan county line at the northwest corner of section 34, in township 8, range 2, west; thence south one and one-half miles, thence east through the middle (or along the half-section line) of sections 3, 2 and 1 of township 9, range 2, west; thence on straight line three-fourths through the center of section 6, township 9, range 1, west; thence north one-half mile to the township line between townships 8 and 9, thence east along said line one mile, thence north one-fourth mile, thence west one-fourth mile, thence north three-fourths mile to said Cullman and Morgan county line, thence west along said county line to the point of beginning, being in townships 8 and 9, range 1, west, and townships 8 and 9, range 2, west. Third. Good Hope School District—Commencing on the township line between townships 10 and 11 at the half-mile stake of section 3, township 11, range 3, west; thence west along said township line to the Cullman and Bremen road, thence north along said road to the Houston and Cullman road near the residence of Charles Kuester, thence west along said road to the iron bridge on Big creek, thence down said creek to the mouth of Ryan's creek, thence up said Ryan's creek to the range line between ranges 3 and 4, west; thence south along said range line to the southwest corner of section 18, thence east to the half-mile stake between sections 15 and 22, thence north to the point of beginning.



SEC. 2. *Be it further enacted,* That the educational affairs of each of said school districts shall be under the control of a board of trustees consisting of three persons in each school district, elected as hereinafter provided, which board shall have the authority to locate and establish in each of the above named districts one permanent school so as to accommodate as many of the youth as possible; in said school districts to grade said schools, employ teachers, and to make such rules and regulations for said school districts as to them may seem best, and not in conflict with the laws of the State of Alabama. The state superintendent of education shall furnish each of said boards such books and blanks as are furnished county superintendents of education.

Boards of  
trustees

State sup't to  
furnish  
blanks, etc

SEC. 3. *Be it further enacted,* That each of the said school districts shall be entitled to receive its proportionate share of all the funds raised or appropriated by the state for public schools, and shall also receive its *pro rata* of the sixteenth section interest accruing to the townships from which said district is composed, and it shall receive all poll tax which may be collected from residents of said school district, and all funds which may be donated to said district. All funds for each of the said school districts shall be paid to the treasurer of the district, who shall receipt for the same; and the superintendent of education of the state, or other proper state officer, shall give the necessary orders and instructions and issue the necessary warrants or certificates to secure the payment to each of said school districts of all funds to which it may be entitled from the state or from poll tax, direct to the treasurer of the district.

School funds

SEC. 4. *Be it further enacted,* That within thirty days from the approval of this act it shall be the duty of the superintendent of education of Cullman county to appoint three qualified electors in each of the said school districts to hold an election at some public place in each of the above-named school districts, to choose three trustees for each separate school district, after they have first given ten days notice of the time and places of holding the same, by posting notices of such elections at three pub-

Elections for  
trustees

lic places within each of said school districts; *Provided*, that such elections are held without expense to Cullman county, or the funds of said school district. On the day appointed for such elections, the persons appointed by the county superintendent of education to hold the same or any two of them, shall cause such elections to be held by ballot, within the hours advertised for such elections, and at the hour advertised in the notices of such elections for the same to close, shall close the elections and announce the results of the same, and certify the names of the persons elected to the county superintendent and the state superintendent of education.

Term of office  
SEC. 5. *Be it further enacted*, That the trustees so elected shall hold office until the first day of October, 1891, or until their successors are duly elected and qualified. That no one but a freeholder who shall also be a qualified elector shall be eligible to be elected as a member of said boards, and no one shall be allowed to vote at the elections of said boards who is not a qualified elector under the laws of the state. The trustees shall receive no compensation for their services, except such privileges and benefits as is by law given to township trustees.

Elections  
bi-ennially  
SEC. 6. *Be it further enacted*, That within ten days before the first day of October, 1891, the board of trustees of each of the above named districts shall appoint three persons in each of their respective districts to hold an election for trustees for the said school districts for the ensuing two years, of which, notice shall be given as provided in section three of this act, and which elections, and all subsequent elections shall be held according to the provisions of section three of this act.

Oath of office  
Officers of board  
SEC. 7. *Be it further enacted*, That the trustees and treasurers of said school districts shall take the oath of office prescribed by law, for all officers in this state, before entering upon the duties of their offices, and immediately thereafter, shall proceed to organize by electing one of their number president of the board, and by electing one suitable person, whether a member of the board or not, as secretary of the board, and treasurer of the district, which offices may be held by

one and the same person if the board so elects. The term of service of the treasurer and secretary shall be during the continuance in office of the board which elects them, but they may be removed by the board at any time. The board shall require of the treasurer a bond in such amount as may be fixed by them, not less than double the amount of funds that may be in his custody at any one time, payable to the school district of which he is treasurer, and conditioned to safely keep, and to disburse according to law all money that may come into his hands as treasurer of the school district, which bond shall be approved by the board and filed with the president of the board, and a copy of the same certified by the president and secretary of the board shall be filed in the office of the state superintendent of education. The treasurer shall receive two per cent of all funds disbursed by him, as compensation for his services.

SEC. 8. *Be it further enacted*, That this act shall take effect from the date of its approval; *Provided*, that any *pro rata* balance remaining in the hands of the county superintendent of education of Cullman county for the scholastic year ending September 30th, 1891, from said townships from parts of which said school districts are composed, shall be paid to the treasurers of said school districts; *And provided further*, that the trustees of said school districts shall not have power to alter or change any contracts with teachers within any territory composing any of said school districts, in existence at the time of the approval of this act. School funds,  
contracts,  
etc

SEC. 9. *Be it further enacted*, That the said boards of trustees shall make annual reports to the superintendent of education, the same as is required of county superintendents. Annual  
reports

SEC. 10. *Be it further enacted*, That when this act is silent, or does not make provisions in conflict with the existing laws of the state for the government of township trustees, such existing general provisions of the law shall govern the actions of the boards of trustees of said school districts. Laws gov-  
erning  
boards

SEC. 11. *Be it further enacted*, That all laws and

Laws in conflict with parts of laws in conflict herewith, be, and the same  
 conflict repealed are hereby repealed.

Approved February 18, 1891.

409]

AN ACT

[H. 696

To amend an act entitled "an act to incorporate the town of Brewton in Escambia county," approved February 13th, 1885.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "an act to incorporate the town of Brewton, in Escambia county," approved February 13th, 1885, be and the same is hereby amended so as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the present town of Brewton, in the county of Escambia, and State of Alabama, be, and the same are hereby re-incorporated as the town of Brewton, and the corporate limits of said town shall be as follows: To be bounded on the east by Murder creek, on the west by Burnt Corn creek, and shall extend one mile north from the court-house in said town in all directions between the said two creeks, and the present and future inhabitants of said town shall be and continue a body politic and corporate, under the name and style of "The Town of Brewton." Said corporation shall have perpetual succession, shall sue and be sued, plead and be impleaded in all courts of law and equity, and in all action whatsoever; may purchase, receive and hold property real and personal, within said town, and may sell, lease or dispose of the same for the benefit of the town, and may purchase and hold real and personal property beyond the limits of the town, for any purpose that the mayor and town council may deem necessary and proper, and may sell, lease or dispose of such property for the benefit of the town to the same extent as natural persons. It shall have and use a common seal, and change it at pleasure, and shall have police jurisdiction ex-

Charter  
 amended

Name,  
 rights, etc

tending one mile beyond the corporate limits; *Provided*, that it does not extend with the corporate limits of any other town.

SEC. 2. *Be it further enacted*, That the government of said town shall be styled "mayor and council of Brewton," and shall consist of a mayor and five councilmen, who shall have been citizens and householders of said town for six months next preceding this election, and shall serve for the term of one year, and until their successors are elected and qualified; said officers to be elected by the qualified electors, who shall have resided in said town for thirty days next preceding the election.

Government  
of town

SEC. 3. *Be it further enacted*, That the regular elections for said officers shall be held annually on the fourth Tuesday in January, and shall be conducted by two or more qualified electors, appointed by the mayor for that purpose. And said mayor so elected shall possess within the corporate limits of said town all the powers and jurisdiction of a justice of the peace, and shall have concurrent jurisdiction with the county and circuit courts, to try all misdemeanors known to the laws of the State of Alabama, committed within the corporate limits of said town, and to have all the powers and jurisdiction of a notary public in Escambia county. The mayor and councilmen shall determine the legalities of elections, and declare who are the duly elected officers, and in case of a tie shall determine who shall be mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein provided, in which case the mayor with the consent of the councilmen, shall forthwith order an election to be held on some day within thirty days thereafter. It shall be the duty of the mayor to preside at the meetings of the town council and to carefully examine all ordinances passed and should any one of them not meet his approbation, return the same to the regular meeting of the town council, with his objections in writing, and no ordinance so vetoed by the mayor shall go into effect, unless the same be passed by a majority vote of the whole number of the members of the town council. No bill shall become an ordinance without first having been read one time and

Annual  
elections

Duties of  
the mayor

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Duties of  
the mayor

passed by a majority vote of the whole number of members of the board of councilmen, and until said bill shall have been signed by the mayor, or without his signature, as provided by the act. The mayor shall be required to veto only such parts of the bill as he may deem objectionable, and may approve the residue of the same bill. If the mayor fail to return any ordinance to the next regular meeting of the town council, he shall be deemed to have approved the same, and it shall become a law without further action. The mayor shall have power to make *ex tempore* appointments to fill vacancies occasioned by sickness, absence or other disability of the town officers, and to suspend any town officer except councilmen, for misconduct in office, or neglect of duty, reporting his action with his reason therefor, in writing, to the next regular meeting of the town council, by whom final action shall be taken. He may, whenever in his judgment, the good of the town requires it, call special meetings of the council, and when so called, he shall state the object for which it shall have been called, or convened, and the business of such meeting shall be restricted to the object so stated. He shall at least once in every three months cause to be presented to the town council a full and complete statement of the financial condition of the town. The mayor shall from time to time communicate to the town council such information, and recommend such measures as may in his judgment tend to the improvement of the finances and the general interest of the town. He shall take care that all the ordinances are duly respected and observed within the town, and perform such other duties as may by ordinance be required of him. The compensation of the mayor and other officers shall be fixed by the mayor and council. In case of the absence of the mayor, the councilman elected *pro tempore* shall discharge his duties, and is hereby clothed with authority for that purpose, and in case the mayor's office is vacated by death, resignation or any other cause, the mayor *pro tempore* shall discharge the duties of said office until a successor for his unexpired term be elected by the town council, and in case of the absence or inability of both the mayor and the mayor *pro tem*, the town council may



be called in special session by any member, and one of their number be designated to act as mayor *pro tem*.

SEC. 4. *Be it further enacted*, That the mayor and each councilman shall, before entering upon the duties of his office, take an oath that he will support the constitution of the United States and the State of Alabama, and will faithfully and impartially discharge the duties of his office. The council shall elect one of their own members to be their presiding officer, to act in the mayor's absence, who shall be clothed with the authority of the mayor *pro tem*. The town council may determine its own rules of proceedings, and prescribe the punishment of its members for non-attendance or disorderly conduct, and enforce the same; two-thirds of the members concurring may expel a member for improper conduct while in office. It shall require a majority of the members of the board to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and under a provision of ordinance may compel the attendance of absent members by fine and penalties. To enable the town council to fully investigate charges against its members or other officers, or such other matters as they may deem proper, the mayor, at the request of the board, is hereby empowered to issue subpoenas and compulsory process, to compel the attendance of persons, and the production of books or papers, before the town council, or any committee of the council. The town council shall hold meetings at such times as may be determined, not exceeding two regular stated meetings per month.

SEC. 5. *Be it further enacted*, That the mayor and town council of the town of Brewton, shall within the limitations of this act have power by ordinance: 1. To levy and collect on all property, real, personal and mixed, within the corporate limits of said town such taxes as may be necessary to defray the expenses of said corporation and for such other purposes as the mayor and council may deem proper for the good and welfare of said town, not to exceed the rate prescribed by the constitution of the State of Alabama, and to enforce the same according to the provisions of this act. 2. To levy and collect taxes upon all privileges,

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Powers of  
mayor and  
councilmen

trades or occupations of not more than one hundred dollars. 3. To appropriate money and provide for the payment of the debts and expenses of the town, and also the debts of the municipal corporation of which it is the successor. 5. To establish hospitals and make regulations for the government thereof. 6. To establish a system of free schools, and to regulate the same. 7. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances. 8. To provide the town with water by water works within or beyond the limits of the town, or by contract, and to provide for the prevention and extinguishment of fires, and to organize and establish fire companies. 9. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys, sidewalks, or to have the same done, and to plant shade trees, and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for the use of the town. 10. To license, tax and regulate auctioneers, grocers, merchants, hawkers, peddlers, butchers, lawyers, doctors, dentists, livery stable keepers and all other privileges. 11. To license, tax and regulate hackney carriages, carts, omnibuses, wagons, drays and vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the town. 12. To license, tax, regulate or prohibit or suppress theatrical and other exhibitions, shows and amusements. 13. To regulate or prohibit or suppress all gambling houses, disorderly and bawdy houses, and obscene pictures and literature. 14. To regulate, restrain or prevent the carrying on of manufactories, dangers in causing or producing fires, and to prevent or suppress the sale of fire arms, and carrying concealed weapons. 15. To regulate the storage of gunpowder, tar, pitch, rosin, saltpetre, and all other combustible, explosive or inflammable material, and the use of lights, candles, lamps, and steam pipes in stables, shops and other places, and to regulate or suppress the use and sale of fire crackers and toy pistols. 16. To establish stand-

ard weights and measures to be used in the town, and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the town. 17. To provide for the inspection and measuring of lumber and other building material. 18. To provide for the inspection and weighing or measuring stone, coal, wood and fuel, hay corn and other grain. 19. To provide for and regulate the inspection of beef, pork, meal, milk, butter, lard and all other kind of provisions; to regulate the vending of meat, poultry, fish, fruits and vegetables; to restrain and punish the forestalling and regrading of provisions; to establish and regulate markets. 20. To impose fines, forfeitures, and penalties for the breach of any ordinance, and to provide for their recovery and appropriation. 21. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the town, by day or night, and for punishment of all breaches of the peace, noise, disturbance or disorderly assemblies; and to provide for the punishment or imprisonment, or by hard labor for the town, the commission of any offense punishable by the laws of the State of Alabama. 22. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out to the full extent and meaning of this act, and to accomplish the objects of this corporation. 23. To impose penalties upon owner or owners, occupants or agents of any house, wall, or sidewalk or other structure that may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same be removed or repaired. 24. To regulate, tax, license or suppress the keeping and going at large of all animals within the town, to impound the same, and in default of redemption in pursuance of ordinance, to sell or kill the same. 25. To erect and organize a work-house in or near said town, and any person who shall neglect or pay any fine or penalty imposed upon him by or under any ordinance of said town, may be committed to such work-house until such fine and cost shall have been paid in full, or may be hired out to hard labor, or sentenced to hard labor on the streets of said town, one or all of such punishments, until said fine and cost are fully paid.

Powers of  
mayor and  
councilmen

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Powers of  
mayor and  
councilmen

26. To appoint and regulate and govern a marshal and police force; to impose fines, forfeitures, penalties and terms of imprisonment and hard labor, one or all of said punishments, for the breach or violation of any town law or ordinance, but no fine or penalty shall exceed five hundred dollars, and no term of imprisonment or hard labor shall be for a longer term than twelve months for the same offense. 27th. To impose penalties upon persons convicted of cruelty to animals. 28th. To provide for the improving, inclosing and regulating all public grounds belonging to the town, in or out of the corporate limits of said town. 29th. To regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner or owners of adjacent lot or lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the town council may contract for the construction or repairs of such sidewalks or pavements, and the town shall pay the same, and the amount so paid shall be a lien upon said lot, and may be enforced by attachment in law or equity; or the amount may be recovered against said owner by suit before any court of competent jurisdiction; to compel owners of buildings to erect fire-escapes when necessary for the safety of occupants. 30th. To grant the right-of way through the streets, avenues and squares of said town for the purpose of street or other railways, telephone, telegraph and electric light companies, and for laying pipes of gas and water companies. 31st. To take and appropriate grounds for widening or extending streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades when the public convenience requires it, upon just compensation, to be determined according to the laws of the State of Alabama, regulating proceedings of *ad quod damnum* and condemnation by railroad corporations. 32nd. To establish, regulate or change fire limits within the town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove wooden buildings or structures, paying the owner therefor a reasonable price, which shall be determined by arbitration—the arbitrators to be selected as follows: One by the owner of the property and one

by the mayor of the town. In case of a failure to agree, the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; and to punish by fine or imprisonment the erection of any building in said fire limits, other than those prescribed by ordinance. 33rd. To regulate the speed of trains, cars, locomotives on railroads or tramways in said town, and to punish by fine or otherwise for violation of such regulations. 34th. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same, and to take and appropriate any land or right-of way necessary for such drains, sewers, aqueducts or reservoirs, upon just compensation to be determined according to the laws of the state regulating proceedings of *ad quod damnum*; and to pass all ordinances necessary to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect by such owner or agent of such property by fine or imprisonment, or hard labor, one or all. 35th. To prevent and remove all nuisances at the expense of the owner or the person causing the same or upon whose premises the same may be found; to regulate privies and privy and water closets, stinks and wells. 36th. To make all ordinances necessary concerning idlers, paupers, vagrants, tramps and disorderly or vicious persons, and correctina or restraining their vicious habits. 37th. To punish all persons who, in any manner resist or obstruct the marshal, policeman or deputy marshal in the arrest of any person when they have the right to arrest him, and for the punishment of any person, who when called upon to aid in the arrest of any person, shall fail to give aid, or when summoned to act as patrol, refuses to act without a good excuse; and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damage in a civil suit, provided he did no more than was necessary to effect such arrest. 38th. To punish for injuries to streets, sidewalks, houses, trees, and all other property. 39th. To exempt from town taxation for a period of not longer than five years any new enterprise, business or industry which may come into

Powers of  
mayor and  
councilmen

said town after the passage of this act. 40th. To establish night and day police. 41. To prevent and punish violations of the Sabbath, any disturbance of, or interference with, public or private worship; to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or any improper exhibition. 42. To prohibit any person or persons from selling, keeping for sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating beverages, or intoxicating bitters, elixirs or extracts, within the corporate limits of said town. 43. To prohibit, license or tax billiard and pool tables, Jenny Linn tables and bowling alleys. 44. To enact such laws and ordinances as may be necessary to regulate the hiring and working of convicts of the town, not inconsistent with the laws of the State of Alabama. 45. To take care of, remove, preserve, designate all burying grounds within said town.

Appointed officers SEC. 6. *Be it further enacted*, That the mayor and council of said town shall have power to employ or appoint a clerk, marshal and all other officers they may deem advisable for the good and convenience of the town, and may fix and regulate their duties; also may employ counsel for advice and for the prosecution of offenders, and for defense of all suits against said town, and for such other purposes as the mayor and town council may deem necessary for the good and welfare of the town.

Expenditures SEC. 7. *Be it further enacted*, That the mayor and town council are forbidden to make any appropriation of money or credit in any way of donation, festivities or pageants, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for the purposes strictly municipal and local and according to the provisions of this act.

Standing committees SEC. 8. *Be it further enacted*, That the town council shall by ordinance determine the number of standing committees and the number of members of each committee and their duties. The mayor shall appoint said committees as soon as practicable after the election, and he shall be ex-officio a member of each, but shall not be entitled to a vote except in case of a tie.

SEC. 9. *Be it further enacted*, That all town ordi-



nances shall begin as follows: "Be it enacted by the mayor and council of Brewton," and shall at the end of the act contain the provision that "this ordinance shall go into effect from and after its passage the welfare of the town requiring it;" otherwise the same shall not take effect until twenty days after its passage.

Ordinances

SEC. 10. *Be it further enacted*, That the marshal and several members of the police force shall have the same power and authority to arrest offenders, execute process and enforce the laws, by-laws and ordinances of the town as sheriffs have, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of this state. He shall also have power to arrest offenders in any part of the county upon warrant issued by the mayor. He shall at all times be authorized to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until tried, unless bail is given, and he shall without delay report the arrest and its cause thereof to the mayor.

Authority of marshal, etc

SEC. 11. *Be it further enacted*, That every person committed to the work-house or to hard labor, shall be required to work at such labor as his health and strength will permit, within or without said town, not exceeding ten hours a day, and for such work the person so employed shall be allowed, exclusive of his board, fifty cents per day, until the punishment, fine, penalty and costs are fully discharged.

Working out of penalty

SEC. 12. *Be it further enacted*, That all taxes shall be collected as prescribed by ordinance. Collectors of taxes in said town shall have the power to issue distress warrants and alias and pluris distress warrants in the name of the mayor and town council. The same may be executed by the marshal or any police officer.

Power to collect

SEC. 13. *Be it further enacted*, That the mayor and town council are authorized and empowered to create such officers, and to provide by ordinance for the appointment or election of all such officers as may be necessary for the good government of the town, whose compensation and bond and the time of service shall

Appointed officer

be fixed before their election or appointment. That the mayor and town council shall have authority at any time to abolish any office created by them. All elections by the town council shall be viva-voce on the call of the roll. All officers created by this act, or by ordinance, shall give such bond as the mayor and town council shall fix and decide.

Tax assessor  
and his  
duties

Hearing  
objections

Tax sales

SEC. 14. *Be it further enacted*, That the town council shall elect a tax assessor, whose term of office shall be one year, or such other term as the mayor and council may fix, and whose salary and bond shall be fixed by the town council and mayor. It shall be the duty of said tax assessor, before the first day of April of each year, to assess for taxes all property, real, personal and mixed, within the corporate limits of said town subject to taxation under the laws of Alabama, such assessment naming the person liable to such taxes when known, and specifying the property so assessed, and when owner of property so assessed unknown to the assessor so state in said assessment, which assessment shall be returned to the mayor and town council, and the mayor shall cause at least ten days' public notice that such assessment has been made, and the time when the town council or a committee thereof will hear and determine upon all complaints which may be made against such assessment, and it shall be the duty of the town council or a committee thereof to correct errors and supply omissions, and when the same has been passed upon by the town council they shall levy a tax thereupon, and such levy shall have the force and effect of judgment and execution, and on failure on the part of the owner of any property to pay said taxes, the assessor or party collecting said taxes may collect the same by levy upon, and sell such property or any other property of any kind owned by such delinquent tax-payer; *And provided further*, that all sales of property under the provisions of this act, must be advertised by posting or by publication in a newspaper published in the town for not less than fifteen days, which notice must contain a description of the property so levied upon, and the name of the person to whom assessed, when known, and the amount of taxes, costs and charges for which it is to be sold.

Certificates of purchase must be given when real estate has been sold, by the officer making sale of said property, similar in form to those given on sale of real property for the collection of state and county taxes, and shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold shall be the same as provided by the law of the State of Alabama; and at the expiration of the time for redemption of property sold, the mayor must, upon the presentation of the certificate of purchase, execute a deed to the purchaser of said property, in accordance with the laws of the State of Alabama as to such deeds made by the probate judge, and the mayor shall be entitled to the sum of three dollars therefor.

SEC. 15. *Be it further enacted*, That all persons residing within the corporate limits of said town who are liable to road duty under the law of the State of Alabama shall be liable and are hereby required to work on the streets and roads in said town not exceeding ten days in any one year; *Provided*, that all such persons shall be exempt from such duty by paying such a street tax as the mayor and council may impose, not exceeding five dollars in any one year, and the mayor and council are hereby authorized and empowered to enact ordinances for the enforcement of this section, and to punish by fine, imprisonment or hard labor one, each or all of said penalties, any person failing or refusing to work or pay said street tax.

Working on  
streets

SEC. 16. *Be it further enacted*, That the mayor of said town of Brewton shall have jurisdiction of and power to try all violations of the laws, by-laws and ordinances of said town, and original jurisdiction concurrent with the county and circuit courts to try all misdemeanors known and punishable by the laws of the State of Alabama, committed within the corporate limits of said town, and shall have power to punish by fine or imprisonment, or by one or both, all contempts of court or process; and in the case of the absence of the mayor, the mayor acting pro tempore shall have all the power and jurisdiction of the mayor; *Provided*, from any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the cir-

Jurisdiction  
of mayor

## Appeal

cuit court of Escambia county upon defendant's entering into bond, with good and sufficient security, to appear at the next term of the circuit court of Escambia county, Alabama, to which the appeal is taken, and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the town of Brewton in such penalties as the mayor may prescribe, and to be approved by him; and such case shall be placed on the criminal side of the docket, and if the defendant be convicted, the court or jury trying the case may impose fines and imprisonment, one or both, just as the mayor could have done under the ordinance of the town on the trial before him, and if the fine be not paid, imprisonment be imposed. The court shall render judgment or sentence the defendant in accordance with the finding of said court or jury, and the defendant shall be remanded to the town prison or to the town authorities for the enforcement of the judgment or sentence and shall remain in custody until discharged as provided by the ordinance of said town upon conviction before the mayor. And in case the defendant do not appear at the trial but make default, then his bond shall be declared forfeited, and judgment shall be rendered thereon against the defendant and his sureties as in state cases, except that the judgment shall be in favor of the town of Brewton; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, scire facias, or other writs established for the collection of any penal bond payable to the said town of Brewton taken under this act, or under any ordinance of said town passed under and in pursuance of this act, and from his judgment rendered in such proceedings, executions thereon may issue and be enforced as executions from the circuit court, and said mayor shall have the right, when the good or safety of the town may require it, to call upon or demand the aid of the sheriff of Escambia county. On the trial of any cause case in any of the courts of this state, the code or book

Jurisdiction  
of mayor

containing the by-laws or ordinances of said town of Brewton and purporting on the face thereof to be printed by authority of the said mayor and town council, shall be received as evidence of the contents thereof without further proof. From the judgment of the said circuit court of Escambia county the defendant may appeal to the supreme court of the state, and in all civil or quasi-criminal cases, the town of Brewton may appeal to the said supreme court of the state. In all cases where a person is convicted or acquitted before the mayor, or acting mayor, for an offense which is a misdemeanor under the laws of the state, such conviction or acquittal shall be a bar to a prosecution of such person for such offense before any state court. The mayor or acting mayor shall have the same power, authority and jurisdiction to try and punish all persons committing misdemeanors within the corporate limits of said town of Brewton as the judge of the county court; and in all cases where persons are brought before the mayor, or acting mayor, on a charge which is made a felony by the laws of this state, it shall be the duty of the mayor, or acting mayor, if, on investigation of the charge, there is reasonable cause to believe that a felony has been committed and that the defendant is guilty thereof, to bind such defendant over to appear before the circuit court of Escambia county, and to proceed in all respects in such case as justices of the peace are required by law to proceed. The sheriff of the county of Escambia and all ministerial officers shall obey the mayor, and shall faithfully execute all warrants, processes and orders committed to him for service according to their mandate, and when so acting or serving said mandates shall receive the same fees therefor as are now allowed them by law for like services, and it is made the duty of the jailor of said county to receive persons committed by said mayor, or acting mayor, and the person or persons so committed safely to keep confined in close jail until delivered by due course of law.

Duties of  
sheriff

SEC. 17. *Be it further enacted*, That no prosecution, suit or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impeded or altered by the passage of this act. And all

Effect of this  
act

the existing ordinances, by-laws and regulations of said town of Brewton, adopted in pursuance of the former charters of said town and not inconsistent with the provisions of this act, shall be and remain in full force and effect as the by-laws and ordinances of said town until amended or repealed by the mayor and council of said town. And all the present officers of the said town of Brewton shall be subject to the provisions of this act in all things that pertain to their official acts and duties, and shall be vested with all the power, right and jurisdiction conferred by this act during their term of office and until their successors are elected and qualified.

Laws

inoperative

SEC. 18. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act shall be inoperative against the provisions hereof.

Approved February 18, 1891.

410]

AN ACT

[H. 959

To provide for the incorporation of The Town of Eastlake, in the county of Jefferson, and to define the powers of such corporation.

Name, rights  
etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the territory known as Eastlake, the boundaries of which are to be particularly designated in the manner hereafter set forth, may be incorporated by the name and style of The Town of Eastlake, and be a body politic and corporate with power to govern themselves with such ordinances, resolutions and by-laws for municipal purposes as they may deem proper and not in conflict with their charter nor the constitution and laws of this state nor the constitution of the United States, with power in and by said corporate name to contract and be contracted with, to sue and be sued, to plead and be impleaded in all the courts of this state, and to do all other acts relating to its corporate capacity, and shall be able in law to purchase, hold, receive, enjoy, possess and retain or sell for the use of said town of Eastlake



any estate or estates, real and personal, within and without the established limits of said town, for corporate purposes.

SEC. 2. *Be it further enacted*, That whenever the inhabitants of said territory or village known as Eastlake desire to become incorporated, and to adopt this act as their corporate charter, they may do so by filing a petition in writing addressed to the probate judge of Jefferson county, stating the boundaries by which it is proposed to incorporate the town of Eastlake, signed by twenty (20) or more of the adult male inhabitants of the territory proposed to be embraced in said corporate limits, and it shall not be necessary to obtain the assent of the owners of real estate in such territory to such incorporation in writing or otherwise than expressed at the polls by their votes on the day of the election for and against incorporation; *Provided*, That the East Lake Land Company's lake and the grounds enclosed around said lake shall not be included or embraced within the boundaries of said corporation, nor come within the jurisdiction or control of the authorities of the town of East Lake except by written agreement with the officers of the East Lake Land Company upon such conditions, limitations and requirements as may be agreed upon in said written agreement between the officers and directors of said East Lake Land Company and the mayor and council of the town of Eastlake.

Proceedings  
for incorpo-  
ration

SEC. 3. *Be it further enacted*, That upon the filing of such petition the judge must direct an election to be held in accordance with the provisions of sections 1487, 1488, 1489 and 1490 of the code of Alabama. And if at such election the majority of the votes cast are for "corporation" the judge shall appoint some male inhabitant of the town who is over 21 years of age and who has been a resident of the town for at least twelve months to be mayor *pro tem*. And such mayor *pro tem* must within ten days thereafter appoint three inspectors of election, a place of voting in such corporation, and a day not more than fifteen days after his appointment as mayor *pro tem*, for the election of a mayor, six councilmen and a marshal, to serve until the next regular election, not more than twelve months

Elections

hence, and until their successors are elected and qualified; notice of the day and place of election must be by the mayor *pro tem* posted in three public places in the town at least five days before the election. And upon the failure or refusal of said mayor *pro tem* to hold said election the probate judge shall remove him from office and cause the sheriff of Jefferson county, to hold said election.

Qualifications of mayor and council  
SEC. 4. *Be it further enacted*, That the mayor and council shall be each over twenty-one years of age and shall have been residents of the town for at least twelve months next before their election.

Duties and powers of mayor  
SEC. 5. *Be it further enacted*, That the mayor shall be the executive head of the town and chargeable with the proper execution of the laws and ordinances of the town. He shall hold a mayor's court for the trial of offenders against the laws and ordinances of the town of Eastlake and shall impose such fines and punishments as in his judgment the law and evidence warrant and provide. He shall be to all intents and purposes a justice of the peace so far as to enable him to issue warrants of arrest for offences against the state law committed within the corporate limits of said town which warrants may be executed by the marshal, deputy marshal or policemen, and exercise the same jurisdiction over all offences committed within said town as is now exercised by justices of the peace in the city of Birmingham, Alabama, and the mayor and marshal shall be entitled to the same fees as justices of the peace and constables of Birmingham receives for like services; and prisoners arrested under such warrants may be committed to such place of confinement as said corporation may provide or designate within the corporate limits of said town.

Acting as mayor  
SEC. 6. *Be it further enacted*, That in the absence or disability of the mayor one of the members of the board of councilors shall perform the function of the mayor's office and have all the power and authority hereby conferred on the mayor.

SEC. 7. *Be it further enacted*, That the mayor and board of councilors shall constitute the legislative department of the town of Eastlake, and shall be styled the Mayor and Council of Eastlake, the mayor having

a vote in said body only in case of a tie. Said board of mayor and council shall have full and complete power as follows, to-wit: 1st. To make, adopt and declare motions, resolutions, by-laws and ordinances, in whatever manner and upon whatever subject they see fit, to carry out the powers herein granted, and for the good government and order of said town, and to affix thereto such penalties for violation of the same by fine not to exceed one hundred dollars, and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted for the breach of any by-laws or ordinance, failing to pay or secure such fine may be imprisoned for such failure, or put to hard labor for the town until such fine and costs are paid in such manner, and for such time as the mayor and council may direct, not longer in any case than one hundred days. 2nd. To pass ordinances of quarantine to prevent the spread of all contagious and infectious diseases, and to fix the duties and compensation of all quarantine and health officers. 3rd. To prevent and remove all nuisances at the expense of the person causing the same or on whose premises the same may be found; and to regulate all privies, waterclosets, sinks, wells and drains. 4th. To license, tax and regulate theatrical or other amusements. 5th. To restrain or prohibit gambling houses, houses of ill fame and prostitution, disorderly conduct, breaches of the peace, riots and unlawful assemblies, and public indecencies, and to restrain chicken fighting and all games of an immoral character or tendency. 6th. To establish and regulate night and day watchmen, police and patrol. 7th. To establish, regulate and control and abolish markets and market houses, and provide for their inspection. 8th. To divide the town into districts or wards, and regulate and change the same. 9th. To establish and change the time for holding elections for town officers, and to regulate the same. 10. To establish and regulate and change fire limits. 11th. To sink, repair, and regulate public wells and cisterns; to establish and regulate fire plugs and public hydrants, and to make all needful provisions to supply the town with water, gas, gaslights or other lights, and to regulate and control public and street lamps and

Powers of  
mayor and  
council

Powers of  
mayor and  
council

lights. 12th. To establish and regulate streets, avenues and alleys; to curb and pave sidewalks at the expense of adjacent property. 13th. Establish and construct drains, sewers, aqueducts and reservoirs, and regulate the same, and the entire system of sewerage for the town. 14th. To lay out, regulate, improve and control cemeteries and burial grounds and to sell burial lots in same. 15th. To prevent running at large on the public streets parks and open commons of all cows, hogs, dogs and other animals and provide for the impounding and sale of same. 16th. To establish, regulate and control free public schools in said corporate or school limits. 17th. To provide for the arrest with or without warrants of persons charged with violating any town or state law and confine them until discharged by due course of law and to provide for the issuance and execution of search warrants. 18th. To regulate paupers and vagrants and to punish vagrancy. 19th. To regulate and licence the business of auctioneers, merchants, manufactories, trades, professions and artisans of every description, to levy and collect a license tax for same. 20th. To regulate and control the manner of building in the town and to provide for their inspection and issue permits for same. 21st. To levy and collect tax and to provide laws and regulations for the collections of same not inconsistent with the general laws of the state, and may purchase at tax sales. 22nd. To exercise all the powers conferred by municipal corporations organized under the statute by section 1500 of the code of Alabama. 23rd. To fill all vacancies in their body and such appointee shall hold until his successor is elected and qualified, and to regulate fees and salaries of officers.

Authority to  
issue bonds

SEC. 8. *Be it further enacted*, That the mayor and council, by a two thirds vote of that body, may in the name of and for the use of the town of Eastlake contract loans, or cause to be issued certificates of debt or bonds for the purpose of street, sewer and other public improvement to an amount not to exceed two hundred thousand dollars. Such bonds may be issued in such denominations as to the mayor and council may seem expedient and must be sold or hypothecated for cash at the highest market price and shall be made

redeemable within a period not longer than thirty-five years from the date of issuance, and shall bear not more than seven per centum interest per annum payable semi-annually or annually. All bonds shall specify on their face the purpose for which they were issued and shall have interest coupons attached.

SEC. 9. *Be it further enacted*, That what is known as East Lake, and the grounds enclosed around said lake a public park, and also any parks within the corporate limits of said town of Eastlake shall be exempt from taxation, state, county and municipal so long as they are kept open to the public free of entrance or gate fees and are used as public parks subject to the free perambulation and driving of the general public.

Exempt from  
tax

SEC. 10. *Be it further enacted*, That the jurisdiction of the police authorities of the town of Eastlake shall extend for one mile in every direction beyond the corporate limits of said town; except the lake and grounds around the lake of the East Lake Land Company; and the officers may pursue the violators of the laws and ordinances of said town for said one mile beyond the said corporate limits and bring them back for trial and punishment.

Police juris-  
diction

SEC. 11. *Be it further enacted*, That the mayor and council may construct under-ground sewers through private property anywhere in said corporate limits, paying to such owners such damages, if any, as may thereby be done said property and for the purpose of ascertaining such damage the authorities of said town may proceed by writ of *ad quod damnum* as now provided by law in such cases.

SEC. 12. *Be it further enacted*, That said mayor and council are authorized and empowered to work all male persons convicted of a violation of any of the ordinances of the town upon the streets, avenues, alleys and public works of the town, whether they be inside or outside of the corporate limits thereof.

Working  
convict

SEC. 13. *Be it further enacted*, That when in the opinion of the corporate authorities it is expedient to increase the number of councilors to not more than ten they may direct the increased number to be elected at the next and every succeeding election, and may in like manner be reduced to six again.

Number of  
council

## Ordinances

SEC. 14. *Be it further enacted*, That no by-law or ordinance of the town shall be enforced until it has been published for at least ten days by posting in three public places in the town or by publication for two weeks in a newspaper published within the corporate limits of the town.

## Taxes

SEC. 15. *Be it further enacted*, That on all real property situated within the boundaries of the town of Eastlake and all personal property of the inhabitants thereof may levy annually a tax not exceeding one-half of one per cent on the value thereof as assessed for state taxation during the preceeding year; a poll tax not exceeding five dollars on each male inhabitant between the ages of 18 and 45 years, who has resided therein three months next preceding such levy; and such other special taxes and licenses as by the general laws of this state other cities and towns of this state are permitted to levy and collect, dating from the 1st of January, and the first levy shall be made for an entire year and in making the assessment levy and collection the authorities of the town of Eastlake shall be governed by the provisions of sections 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514 and 1515 of the code of Alabama, insofar as they do not conflict with the provisions of this act.

Laws in conflict repealed SEC. 16. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18th, 1891.

411]

AN ACT

[H. 958

To incorporate the East Lake Water and Electric Company, and to confer upon said company certain corporate powers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That T. T. Hillman, William A. Walker, Robert H. Pearson, F. D. Nabors, E. W. Linn, W. T. Underwood, T. C. Thompson, Robert Jemison, J. R. Smith and W. H. Wood, all of Jefferson county, Ala-



bama, and such other persons as they may associate with them, their successors and assigns be, and they are hereby created and constituted a body politic and corporate, under the name and style of the East Lake Water and Electric Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use the common seal which they may alter and renew at pleasure, and may enact and execute such by-laws, rules and regulation for the government and management of the affairs of the company as they may deem expedient, and may elect or appoint such officers or agents as they may deem necessary.

SEC. 2. *Be it further enacted*, That the objects and the business of said company shall be to establish water works, gas, and electric plants, and systems of sewerage in such places within the limits of Jefferson county, Alabama, and adjacent counties, as they may elect; and to send and distribute water, gas and electricity through any or all of the cities, towns, villages and mines now within or hereafter established in the territory now known as Jefferson county, and the counties adjacent thereto, and within the vicinity of said cities, towns, villages and mines along the public highways, and along over and through the lands of said counties, and over and along and through the streets, avenues and other thoroughfares of said cities, towns, villages and mines; and to construct sanitary and storm sewers and canals along and through the lands and public roads in said counties; and along and through the land, streets, avenues and alleys and other public highways in such cities, towns, villages and mines in said county; and to that end, said corporation may purchase, hold, own, sell and lease real estate within the county of Jefferson, and adjacent counties; and also other property of whatever description that may be necessary and expedient for the carrying on of the business of the company; and also to that end, and for that purpose the said company is hereby authorized and by its officers and persons in its employment to enter upon and survey and mark out or lay out any lands in Jefferson or adjacent counties, and between the place or places from and to which water and gas for the pur-

Name,  
rights, etc

Objects

## Objects

poses aforesaid are to be drawn. The electric poles and lines are to be erected, or sewers constructed and the place or plans for the distribution thereof, for the routes and courses thereof, to erect poles and stretch wires for telegraph, telephone or electric lights or electric power; to dig, construct lay or make any dam, reservoir, ditch, canal, pipes, or tubes of any material or size, or aqueduct of any kind for either water, gas or sewerage purposes that said company may deem best for conducting of such water, gas or such sewerage from place to place, whether in the county or in any of said cities, towns or villages or mines, and from time to time, and at any time afterwards, to enter upon and dig and work upon said lands along the aforesaid route or course for the purpose of setting, re setting, laying, re-laying, examining, repairing, altering or amending such poles, wires, canals, channels, pipes, tubes, aqueducts or sewers by and with the consent of the owners of such lands; and, if the owner of such land cannot agree with said company for such right-of-way or easement, then the said company may and it is hereby authorized to condemn such right by a proceeding or proceedings had and conducted in accordance with the provisions of article 2, chapter 15, title 2, part 3 of the code of Alabama.

Authority to  
erect poles,  
etc

SEC. 3. *Be it further enacted*, That said company is hereby authorized to erect poles and stretch wires for the purpose of carrying out the electrical branch of its business, and to lay pipes and aqueducts for conducting its water and gas, and for sewerage purposes, and for those purposes to make excavations, and erect said poles and wires across any of the public roads of the county of Jefferson and adjacent counties, and through any of the streets, avenues, alleys, public roads and public grounds of any of the cities, towns, villages and mines now in existence or hereafter established in Jefferson and adjacent counties; by and with the consent of the board of county commissioners of the county, or the corporate authorities of any such city, town or village.

SEC. 4. *Be it further enacted* That for the purpose of carrying out the objects of its incorporation, the said company is hereby authorized, in order to ob-

tain a water supply for its reservoirs, pipes and canals, to take, divest, use and condemn the water of any of the springs, streams and creeks and rivers of Jefferson and adjoining counties, and to construct dams and reservoirs, and for this purpose said company may institute proceedings of *ad quod damnum* against the riparian owners of all such springs, streams, creeks and rivers or lands in the probate court of the county in which they are situated, as a proceeding *in rem* against the water of said springs, streams, or rivers and riparian rights of the sub-adjacent riparian owners by a petition addressed to said court, under and as nearly in conformity as practicable with provision of article 2, chapter 15, title 2, part 3 of the code of Alabama, and upon the filing of such petition the jurisdiction of the court shall attach to the *rem*, and the judge thereof shall cause a monition or notice, signed by him as such judge, addressed "to all whom it may concern," to be given of the filing of said petition and of the purport in general terms thereof, to be published in some paper printed in the city of Birmingham, Alabama, for ten days prior to the day to be appointed by him for the hearing thereof; and also cause a copy of said notice, by the sheriff of the county in which such condemnation is sought to be made, in some conspicuous places at or near the place or point of such springs, streams or water courses where it is proposed to deflect said water from its natural channel, and there after the proceedings in said cause upon said petition shall be had and conducted after the manner, as near as practicable, as is provided in said article 2, chapter 15, title 2, part 3 of the code of Alabama, except that no personal notice shall be necessary to be given to individual riparian owners adjacent to or along said springs, streams or rivers. And from any and all proceedings authorized by this section, the right of appeal direct to the supreme court of Alabama is hereby given to any person whose rights of property are affected thereby.

Power to  
take and use  
water

SEC. 5. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to fifty thousand dollars, to be increased by the issuance of additional

Capital stock

shares, to an amount not to exceed five million dollars, as the business of the company may require, and at the option of a majority in value of the stockholders; said stock may be paid either in money, property or labor, to be specified in the subscription.

Books of sub-  
scription

Organizati'n

SEC. 6. *Be it further enacted*, That the corporators herein named, or any five of them, after giving such notice of the time and place as they may deem sufficient, may open books of subscription to the capital stock of the company, and when one-half of the amount of the capital stock of the company shall have been subscribed for by *bona fide* subscribers, and twenty-five per cent. of the amount so subscribed paid in or secured, the corporators may call the subscribers together by such notice as they may direct for the purpose of organization, and a majority in value of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by the stockholders electing from among their number not less than five nor more than eleven directors to manage the affairs and business of the company until the next annual election, provided for by the by-laws, and until their successors are elected and qualified. And such board shall elect a president and a secretary and such other officers as the by-laws of the company may provide for. The corporators shall turn over to such board of directors all moneys, papers, books and property belonging to the company.

May borrow  
money

SEC. 7. *Be it further enacted*, That said company may put water, gas, and electricity to all such uses in Jefferson, and adjacent counties as modern science and invention may warrant and by a majority in value vote of all the stockholders in person or by proxy, the company may borrow money to carry into effect the objects and provisions of this charter, and to issue its bonds in such amount as a majority in value of the stockholders may direct and to secure their payment by a mortgage on the companies property and franchises.

Made part of  
this act

SEC. 8. *Be it further enacted*, That sections 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680 and 1681, of the code of Alabama, are hereby made applicable to this company, and a part of its charter, the same as though said sections were herein

set out, except in so far as said sections may conflict with other provisions or this act.

SEC. 9. *Be it further enacted*, That if any person or persons, shall wilfully injure, deface or destroy any electric poles, or cut or connect with or otherwise interfere with the electric wires of the company or shall injure or deface or destroy any portion of the gas works, gas pipes, or connection water works; reservoirs, aqueducts, sewers, canals, fixtures, or other property of said company, or shall wilfully deposit any offensive or unwholesome substance or matter in the reservoirs, pipes, or springs or streams supplying the same, or shall connect with any of the wires, or open communication with any of the sewers, or any of the pipes of the water works, or gas works, otherwise than by authority of said corporation, or its lawful or authorized agents, such other person or persons shall be guilty of a misdemeanor, and subject to prosecution in any court having jurisdiction of such offense in Jefferson or adjacent counties, and on conviction, shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned or sentenced to hard labor for the county for not more than twelve months, at the discretion of the jury trying the same.

Interference  
with poles,  
etc

SEC. 10. *Be it further enacted*, That said company shall have the right to make contracts with individuals and corporations for water or gas to be supplied for domestic and all other purposes; for electricity to be supplied for lighting, power, and all other purposes to which electricity is, or may be applied, and for sewerage, both storm and sanitary, and charge for, and collect such rates, and compensation therefor, as may be contracted to be paid to them; and said company shall have power to sell and transfer all or any part of its plants, property, or franchises, with the consent of a majority in value of the stockholders.

Rights and  
powers

SEC. 11. *Be it further enacted*, That said company may have its principal offices either in the city of Birmingham or at East Lake, or both, and may have branch offices at other places in Jefferson, and adjacent counties, and may change their principal offices at pleasure.

Place of  
business

SEC. 12. *Be it further enacted*, That all laws and

Laws in con-  
flict repealed

parts of laws in conflict with the provisions of this act be, and the same are hereby repealed, in so far as they conflict herewith.

Approved February 18, 1891.

412]

AN ACT

[s. 114

To incorporate the Alabama, Florida and Mississippi Railroad Company, and to further the construction of said railroad.

Name, rights,  
etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Thos. C. Crenshaw, Jr., E. N. Blacklock, Walker Denson, J. E. D. Shipp, B. H. Hill, E. Crenshaw, J. G. Little, A. Y. Davis, T. R. Wagner, A. A. Wiley and their associates be and they are hereby constituted a body politic and corporate by the name of Alabama, Florida and Mississippi Railroad Company, and by that name, or by such other name as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, to make a common seal and the same to break, alter or renew at pleasure, to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase for investment or development, and to have and enjoy and secure their franchises within any other state that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation not contrary to the laws of this state, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act.

Route

SEC. 2. *Be it further enacted*, That said railroad company is hereby authorized and empowered to survey, locate and construct, and thereafter maintain and operate a railroad with one or more lines of tracks of rails from some point on the state line between the State of Alabama and Florida on the southern bound-



any line of the county of Geneva or of the county of Henry northwardly through the State of Alabama to the Mississippi state line to such a point on the state line between the State of Alabama and Mississippi on the western boundary line of the county of Sumter or of the county of Choctaw as may be adopted by said railroad company, and to pass over and through such of the counties in this state along said route as may be adopted by said railroad company, with branches from the same on such route as the board of directors may deem fit, or to the interest of said railroad company, and on such railroad and branches said company is authorized to take and carry for hire persons and property by the power and force of steam, animal or other mechanical power or any combination of them.

SEC. 3. *Be it further enacted*, That for the purpose of constructing said railroad and branches the said company is hereby authorized to lay out the same, not exceeding one hundred feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, carsheds or chutes, eating houses, car or depot yards, wharves, piers, docks or other structures necessary or convenient for the business of the railroad company, and for the purpose of cuttings, embankments, and for switches, connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber or materials, or for the purpose of protecting its structures may take as much more land as the necessities of said railroad company from time to time require for the use and protection of such railroad structures; *Provided*, no such property shall be taken or applied unless just compensation to the owner shall first be made, as required by the constitution of the state, to be determined as hereinafter provided; but such railroad company may previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad and structures; *Provided further*, that no right to condemn private property to the use of said railroad company is conferred by this charter, except that conferred by the constitution of Alabama upon railroad companies incorporated thereunder.

Right-of-way

SEC. 4. *Be it further enacted*, That said railroad

May purchase or sell,  
etc

may, in lieu of constructing any portion of its line or branches, purchase or acquire by lease for a term not exceeding one hundred years, the road-bed of any other railroad or branches; or said railroad company may for the purpose of making through lines make common stock, or any other lawful contract, whereby it may sell or lease as aforesaid, to such other company, any or all of its said railroad or branches, and the franchises thereof.

Right-of-  
way

SEC. 5. *Be it further enacted*, That there is hereby granted to said railroad company a right-of-way over any of the lands of the state.

Along line  
of other  
roads, etc

SEC. 6. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location or whenever the topography of the locality may require, the said railroad may cross or build along the right-of-way of any other railroad for a consecutive distance not exceeding in any case ten miles, and said railroad or branches may be built across, or on and along any of the highways, public roads of the county or across or along the streets of any incorporated city or town through which it may be necessary to pass, or across any of the navigable waters along the line of its route or routes, by the erection of lawful bridges over the same; *Provided*, that the said highways, roads and streets shall, after construction of said railroad thereon or there over, be restored to as good condition as practicable; *And provided further*, that all bridges over the Alabama and Tombigbee rivers shall have a draw of not less than eighty feet in the clear; *And provided also*, that all bridges authorized to be constructed by this act, and in each of them, the said draws shall be opened promptly upon reasonable signal for the passage of boats, and without unnecessary delay; *Provided also*, that said bridges at the option of the company or corporation, by which they shall be built may be used for the passage of wagons or vehicles of all kinds for transit of animals or foot passengers for a reasonable rate of tolls; *And, provided also*, that the location of piers, construction of the main span or drawbridge, the erection of the super-structure shall in all cases be in accordance with provisions of existing laws, and in accordance thereto; *And provided*,

that in such case the right of-way shall be condemned under the forms of law as now provided, and the consent of any incorporated towns and cities shall be first had, and obtained to the use of the streets and alleys, for such grant-of-way before the same shall be so used and occupied.

SEC. 7. *Be it further enacted*, That the capital stock of said railroad company shall be one hundred thousand dollars, with power, by a majority vote in value of the stock holders to increase the same from time to time, to an amount not to exceed four million dollars, which shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said railroad company may direct; and said railroad company shall be authorized and empowered to commence to construct and build said railroad whenever the sum of one hundred thousand dollars is subscribed to the capital stock of said railroad company.

Capital stock

SEC. 8. *Be it further enacted*, That books for the subscription to said capital stock shall be opened by the incorporators under this act, or any five of them at such times and places in this state, as may be agreed upon by said incorporators or any five of them; that when the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said railroad company, it shall be the duty of the incorporators or any five of them to call a meeting of the subscribers to the capital stock of said railroad company in the city of Greenville, Alabama, at which meeting a majority of the stock so subscribed must be present, either in person or by written proxy; they shall proceed to the organization of the company by electing from among the stockholders themselves, no less than seven, nor more than eleven directors to manage the affairs and business of the said railroad company for the ensuing twelve months, or until their successors are elected and installed. The directors thus elected and those to be elected annually thereafter, shall elect from their number a president or executive officer, and such person as they may see fit for secretary and treasurer; all to serve for such a period and under such

Books of  
subscription

Organization

conditions as the by-laws may direct; and said board of directors shall have power to appoint and employ such other officers, agents and servants as may be by them deemed proper or necessary to conduct its business; to fix the salaries of all the officers of the company and to fill all vacancies that may occur in their own body until the next meeting of the stockholders; each stockholder shall have one vote for each share of stock owned by him or her, and the vote shall be cast by the stockholders in person or by proxy in writing.

SEC. 9. *Be it further enacted*, That all subscriptions to the capital stock of said railroad company may be made in the form of a general contract or promissory notes or other form which may be selected; and may either be paid in money, property, or material for the use of said railroad, as per contract under the directions of the board of directors; and certificates of stock shall be issued to the person paying on the basis of one share for every hundred dollars so paid; but no certificate shall be issued for less than one share; and subscriptions to the capital stock shall be payable in such amounts either as a whole or by installments, as may be agreed upon or as may be ordered by the board of directors; and if any stockholder shall neglect or refuse to pay any installment which may be called in for thirty days after the same may become due and notice given, the shares of such delinquent may be sold at public auction, under such rules as the directors may prescribe; the surplus, if any, from the proceeds of sale, after payment of balance due, shall be paid to such stockholder, but nothing herein contained shall prevent said railroad company from collecting by proper proceedings at law, amount due on any subscription.

Duty of corporators

SEC. 10. *Be it further enacted*, That upon the organization of the railroad company the board of corporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, lists, notes, obligations and other papers taken, and made by them in the organization of the company; and henceforth all such bonds, papers, lists, notes, obligations and other papers, shall be the property of the railroad company, and shall be as binding on the company as if taken and made by themselves.

SEC. 11. *Be it further enacted*, That said railroad company shall maintain at such place in the State of Alabama as the board of directors may direct, a general office or agency for the holding of meetings, and where all due service of legal proceedings can be had and obtained, with proper and qualified officer in charge thereof; and said railroad company shall keep at such office or agency such books, records and documents as will enable the proper state officers to obtain such information as by law may from time to time be required of them; *Provided*, that annual and other meetings of stockholders or directors may be held outside of said State of Alabama, written consent of a majority of stockholders of record, residents of said state, being first had and obtained.

SEC. 12. *Be it further enacted*, That sections 1580 and 1587, of the code of Alabama for 1886, as approved February 28, 1887, be and the same are hereby made applicable to the Alabama, Florida and Mississippi Railroad Company, the same as if said company had been organized under the provisions of the general laws as provided in the code of Alabama for 1886, and said sections are hereby made part of this charter, except where in conflict with the express provisions of this act; *Provided*, that said railroad company shall not be required to condemn and appropriate in the first instance all property which is needed for it in the future development of its business, but may after the construction of its said railroad and from time to time as its necessities and conveniences shall require, may appropriate, upon payment of just compensation therefor, as hereinbefore provided, and may acquire such additional property as may be necessary or convenient by condemnation in the mode prescribed by law or otherwise.

SEC. 13. *Be it further enacted*, That said railroad company may borrow such sum or sums of money for the purposes of carrying out the objects of its charter and may make and issue bonds therefor to such an amount, in such denominations and at such a rate of interest and payable at such time and places as the board of directors may direct, and upon such terms as said railroad company or its board of directors shall

authorize or agree upon or may deem necessary or expedient; and may execute such deed, or deeds of trust, mortgage or mortgages on its franchises and any and all of its property, both real and personal of said corporation for the amount or amounts borrowed and owed by said railroad company as said board of directors may deem expedient; and said railroad company may make provisions in such deeds of trust or mortgages for transferring their railroad tracks, depots and appurtenances used in connection with said railroad in any manner belonging to said railroad company; or which shall thereafter belong to it as security for said bonds, debts or money.

SEC. 14. *Be it further enacted*, That said railroad company may construct and operate a telegraph or telephone line or lines in and along and upon any and all portions of its right of way, of its main line and its branches, both for its own use and for doing a public telegraph or telephone business, but said railroad company shall not be compelled to do a telegraph or telephone business on its said line or lines, or at any particular station thereon, unless it so desires; *Provided*, that the right to construct such telegraph or telephone line or lines shall not exclude other person or persons or a corporation to construct similar lines of telegraph or telephone lines along such right of way as now provided by law.

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

413]

AN ACT

[s. 456

To increase the fees of justices of the peace and notaries public having like powers in the county of Autauga.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That justices of the peace and notaries public having jurisdiction of justices of the peace in the



county of Autauga shall, after the passage of this act, receive for their services the following fees, to wit: Fees  
 Fees in Civil Cases—For summons in civil cases and proceedings thereon to judgment, \$1.00; for summoning garnishee and taking examination, 75 cents; for detinue bond and affidavit, \$1.50; for writ of detinue, 50 cents; for service on trial of right of property, \$1.50; for each continuance, 50 cents. Fees in Criminal Cases—For preliminary trial of a felony, \$1.00 for each day occupied therein.

SEC. 2. *Be it further enacted*, That whatever fees under the code justices of the peace are entitled to, not enumerated in the above schedule of fees, shall remain in full force and effect, and this act shall not be construed in any wise as repealing the same.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Approved February 18, 1891.

414]

AN ACT

[s. 240

To establish a charter for the town of Gurleys, in Madison county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants residing within the boundaries hereinafter described are hereby incorporated and constituted a body politic and corporate under the name of Gurleys, and by that name may sue and be sued, receive and grant and do all such other acts as natural persons may, within the powers herein granted and conferred, may purchase and hold property real and personal for municipal purposes, and may have and use a corporate seal, which may be broken or altered at pleasure.

Name, rights  
etc

SEC. 2. *Be it further enacted*, That the corporate limits of the said town of Gurleys shall be included within the following boundaries: Commencing at a point seven hundred yards due north of the water tank, in the place now known as Gurleys, in Madison

Corporate  
limits

county, and run due west seven hundred yards, thence south fourteen hundred yards, thence east fourteen hundred yards, thence north fourteen hundred yards, thence west seven hundred yards to place of beginning, making said corporate limits fourteen hundred yards square.

Annual elec-  
tions

SEC. 3. *Be it further enacted*, That the government of said municipality and the corporate powers shall be exercised by a mayor and five councilmen, who shall be elected as hereinafter provided on the 3rd Tuesday in March 1891, and annually thereafter by ballot by the qualified electors of the State of Alabama who have resided within the corporate limits of said town of Gurleys thirty days next preceding such election. The first election held under the provisions of this act shall be held and conducted by the sheriff of Madison county, after giving twenty days' notice, either by publication in some newspaper in the county or by notice posted upon three public places in the town of Gurleys, who to that end with the probate judge of said county, shall appoint three qualified electors residing in said town of Gurleys as managers of said election; that said managers shall be duly sworn to conduct said election as provided by the law for holding elections in the State of Alabama; that the polls at such elections shall be open between the hours of eight or nine a. m. and be kept open until the hour of four p. m.; that said managers shall count the votes cast, make up a poll list of the persons who voted, and with their certificate indorsed thereon showing the person voted for and for what office voted for, and deliver the same in a box sealed up to the sheriff, who shall return the same to the probate judge of the county of Madison as delivered to him within three days after such election. The probate judge and sheriff shall count the votes so cast and declare the result thereof, and the probate judge shall give to the person ascertained to be elected a certificate of election. The persons receiving a plurality of the votes cast shall be the mayor and councilmen for the next succeeding year, and if any two or more persons shall have an equal number of votes, the said sheriff shall give the casting vote and thereby determine the election. All

elections for municipal officers thereafter shall be held under such rules and regulations as the mayor and councilmen of Gurleys may prescribe. No person shall be a qualified voter at the elections hereinabove provided for who has not been duly registered for the beat in which Gurleys is situated, as prescribed under the state law; and persons qualified as electors may be registered at the polls by the sheriff on the day appointed for the election aforesaid. After the first election the municipal authorities, at least twenty days before each succeeding election, shall make provision for registering the electors residing within the corporate limits of Gurleys. In all elections where there is a tie between any two persons voted for, where only one man can fill the office to be filled, the election for that place must be by the authority or authorities holding the election referred back to the electors of Gurleys for a choice and another election held to decide the tie. At any municipal election held under this act, any person offering to vote may be challenged by either of the managers or by any qualified elector, and it is the duty of each manager to challenge any person offering to vote whom he knows or suspects not to be a qualified elector. The person so challenged may be examined under oath by the managers as to his qualifications, and the managers may examine other persons touching his qualifications; in all such cases the managers are authorized to administer the oath to answer questions and when proof is taken may receive or reject the ballot offered.

SEC. 4. *Be it further enacted*, That any person who obtains registration when he is not entitled in his own name or in the name of another or by an assumed name and thereby casts a vote, or who swears falsely when challenged, or who after having once voted at such election votes a second time, or who shall aid another person not entitled to register and vote, to vote at such elections, shall in such case be guilty of a felony, and shall on conviction be punished by imprisonment for not less than six months and not more than one year.

SEC. 5. *Be it further enacted*, That before entering upon their duties as such the mayor and councilmen

Illegally reg  
istering, et

Oath of  
office

Meetings of  
council

shall take and subscribe an oath to support and obey the constitution and laws of the State of Alabama and of the town of Gurleys, and to faithfully discharge their respective duties as such mayor and councilmen. A majority of the board of councilmen shall be required to transact any corporate business, but any member may assemble at the place of meeting, adjourn from day to day and compel the attendance of the absent members in such manner and under such penalties as the board may prescribe. The board of councilmen may adopt such rules of procedure as may be necessary for the transaction of business, may fine its members for absence or disorderly behavior and may fill all vacancies in the board that may occur from death, removal or resignation. The mayor when present shall preside at all meetings of the board; when absent, the councilmen present may elect one of their number to preside. In case of the office of mayor becoming vacant by death, removal or resignation, the councilmen may elect a mayor from their own number to fill the vacancy for the unexpired term. The mayor may call meetings of the councilmen whenever the interest of the municipality in his opinion requires it. The councilmen shall meet at least once each month for the transaction of business.

Mayor, and  
his duties

SEC. 6. *Be it further enacted*, That the mayor, or in his absence the councilmen shall elect a mayor, who shall have power and authority to hear and determine all cases of violation of the by-laws or ordinances of the said town of Gurleys and punish offenders by fine not to exceed one hundred dollars and imprisonment not to exceed sixty days, as may be prescribed by such by-laws and ordinances; and shall receive such fees or salary as the board may prescribe. The mayor shall have and possess within the corporate limits of Gurleys all the power and jurisdiction both civil and criminal of a justice of the peace, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; and before acting as a justice of the peace must give bond like other justices of the peace before entering upon the duties of his office as mayor. The mayor shall give bond to be approved by the probate judge of Madison county in

the sum of five hundred dollars payable to the town of Gurleys and conditioned for the faithful performance of his duties as mayor. From any judgment of the mayor rendered in cases of violation of municipal or-  
dinances or by laws, an appeal must be allowed, if Appeal  
taken within five days thereafter, to the next term of the circuit court of Madison county, upon the defendant entering into bond with surety to be approved by the mayor to said town of Gurleys for such sum as the mayor may require not less than double the fine and costs and conditions to prosecute such appeal to effect and to pay such judgment as the appellate court may render in said cause. In case the appellant make default the appellate court may affirm the judgment of the mayor and render judgment against the defendant and his sureties on the appeal bond for the amount of the fine imposed by the mayor and cost of appeal. In case the defendant appears to prosecute his appeal the trial shall be de novo, and if judgment be rendered against the defendant for money, the court must also render judgment against the sureties on the appeal bond for the amount of said judgment and cost of the appeal; and in addition thereto if the judgment be imprisonment or hard labor the defendant shall be remanded to the municipal authorities of Gurleys for punishment. Where the judgment of the court shall be only imprisonment or hard labor the court shall render judgment against the defendant and the sureties on the appeal bond for cost of the appeal and for the cost imposed by the mayor. The mayor or councilman acting as mayor shall have the power when so authorized by ordinance upon the trial of offenders to impose fines, imprisonment or hard labor on the streets. In all cases where a person is accused of violation of an ordinance, he may give bail with sureties for his appearance before the mayor for trial, and if he makes default the mayor may declare his bail forfeited and enter judgment after notice to his sureties, for the amount of the bond or in such sum as the circumstances of the case may authorize.

SEC. 7. *Be it further enacted*, That the mayor and councilmen of Gurleys shall have full powers to adopt and enact all by-laws and ordinances for the well being

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Powers of  
mayor and  
councilmen

of the inhabitants of Gurleys, authorized by this act and not in conflict with the constitution and laws of the State of Alabama, and to affix thereto appropriate penalties for the violation of the by-laws and ordinances by fine not exceeding one hundred dollars and by imprisonment or hard labor for the town not exceeding sixty days; and all persons convicted of any breach of any of the by-laws or ordinances of said Gurleys failing to pay such fine may be imprisoned or placed at hard labor until such fine and costs are paid for a term not exceeding sixty days; to pass all ordinances to prevent and abate nuisances, and to punish persons creating or allowing nuisances on their premises or elsewhere; to pass all laws necessary to prevent the introduction of contagious diseases into the town; to preserve health and to establish and regulate quarantine and pest houses; to maintain a hospital, and to provide and to keep up a cemetery; to license and regulate the sale of spirituous or malt liquors within the corporate limits; to tax and regulate theatrical and other amusements, circuses, menageries, shows and exhibitions for the sake of gain; all trade, business occupations and professions; to restrain or prohibit gambling houses, houses of ill fame or imposing prostitutes on private or public houses; to appoint a marshal or chief of police, and as many policemen as may be needed for the good government of the municipality; to establish and regulate markets and market houses, and to enact ordinances to regulate the sale of meats, vegetables and fruits, and to condemn all unwholesome meats and vegetables within the corporate limits; to establish, open, control, regulate, repair, grade, pave the streets and alleys; to establish, curb, grade and regulate side walks and construct ditches and sewers; *Provided*, that when new streets be opened on private property the owner shall receive just compensation for the property so occupied, to be assessed by a jury of five disinterested freeholders selected for that purpose by the mayor; to prevent the running at large of animals in the streets, and to authorize the impounding of the same, and to prescribe the conditions upon which the same may run at large; to regulate and control the running of cars and locomotives along and across



the streets; to enact all ordinances regulating the sale of wares and merchandise on the streets; to require property owners to construct and keep sidewalks in front of yards or dwelling houses and stores in repair; to have and exercise full police powers within the corporate limits, to prevent crimes and to protect the rights of persons and property and to preserve the public peace: to this end the marshal and policemen are clothed with the authority of constables under the laws of the state of Alabama, and the mayor and each of the councilmen are conservators of the peace and empowered to make and order arrest for all violations of the state laws and ordinances of the municipality, and to administer oaths; to require all male inhabitants over the age of twenty-one and under the age of forty-five, residing within the corporate limits to work not more than five days in each year upon the public streets, or in lieu thereof, to pay a sum to be affixed by the mayor and councilmen not to exceed five dollars per annum; and to this end to enact all suitable ordinances to enforce the duty or the payment of same when required; the inhabitants of Gurleys are relieved from duty on the public roads of the county; to license hacks and drays, regulate the running of the same, and to protect them in the collection of their lawful charges.

SEC. 8. *Be it further enacted*, That the mayor and councilmen are authorized to borrow money for the purpose of draining and building streets, and pledge the faith and credit of Gurleys for the payment of the same; but the debt thus created shall never exceed one per cent of the assessment value of all the property in the corporate limits of said town of Gurleys. May borrow money.

SEC. 9. *Be it further enacted*, That when a debt is contracted as authorized by section 8 of this act, that one-fourth of the revenue collected from the real and personal property be set apart for the payment of the principal and interest of said debt. Sinking fund

SEC. 10. *Be it further enacted*, That the mayor and councilmen have full authority to purchase and provide for the payment of all personal and real estate they may deem necessary from time to time for public use and convenience, and to construct suitable build- Right to purchase, etc

ings for council chambers, market houses and school houses.

SEC. 11. *Be it further enacted*, That the said mayor and aldermen shall have authority to levy taxes on real and personal estate within said city, except such as is or may be exempt from taxation under the laws of the state or the United States, on auction and sales of merchandise, on capital employed in business in said city, or incomes of persons residing therein, or itinerant or transient merchants, or any business, profession, trade, or calling carried on in said city, and on all other subjects of taxation within said city on which state taxes are now or shall hereafter be levied by the laws of Alabama; *Provided*, that where capital employed is invested in goods, wares or merchandise, a tax shall not be levied upon the capital amount at the same time upon the property in which the same is invested, and that it shall not be lawful to impose a double tax upon any subject of taxation. The mayor and councilmen are authorized to establish regulations to insure correct returns to the proper officers of all subjects of taxation and for the listing of the same by the taxpayer for taxation; and if the taxpayer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits, and to make all needful regulations to equalize the valuation of property assessed for taxation, and to provide that the same be assessed at its proper valuation in accordance with law; but lands not laid off in lots to be valued as farming lands.

SEC. 12. *Be it further enacted*, That the mayor and councilmen are empowered to make all needful regulations and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax collector who shall qualify by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required by the mayor and councilmen for the faithful discharge of his trust. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality.

SEC. 13. *Be it further enacted*, That the said tax on real and personal estate shall not in any one year exceed one per cent. on the value of such property as assessed for state taxation during the preceding year, and shall be levied according to assessment and valuation of property taxed, made by the assessor under such rules and regulations as the board may prescribe, which said assessment and valuation the mayor and councilmen shall have authority to review and correct as they may deem just and proper. In making assessments, the rule of assessment shall be the cash valuation of the property assessed. Rate of tax

SEC. 14. *Be it further enacted*, That all taxes assessed or levied in pursuance of the authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed and on all other property within the corporate limits of the party against whom the same are assessed or levied and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an unknown owner, by a sale of the property. All such sales of property for the non-payment of taxes must be after thirty days notice by advertisement in some newspaper published in Madison county. The person appointed to collect said taxes shall make such sales under such rules and regulations as the mayor and councilmen may prescribe, and shall give to the purchaser of any real estate so sold, a certificate of purchase in such form as the mayor and councilmen may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings and of all the facts stated therein; and also that the requirements of the law in reference to the levy and assessment of the taxes and sales of the property have been complied with; *Provided, however*, that real estate sold for the payment of taxes under this act may be redeemed at any time within two years from the sales on the payment of the amount for which such property was sold with interest at the rate of ten per centum per annum, and if the purchaser does not redeem within the limits of the corporation the same may Lien on property  
Tax sales  
Right to redeem

be redeemed by the payment made into the corporation treasury for the benefit of the purchaser. Infants and lunatics shall be allowed one year after the removal of their disabilities for the redemption of their real estate. Upon such payment or deposit being made within the period allowed for redemption, such sales and certificate shall cease and determine. But if such property is not redeemed then the owner shall be liable to action of unlawful detainer as now regulated by the statutes of the state before a justice of the peace.

Sale of personal property

SEC. 15. *Be it further enacted*, That after notice by posting up notices in three public places in Gurleys for twenty days that the corporation taxes are required to be paid on or before a certain day, it shall be the duty of the tax collector to enforce the collection of the same by a levy upon and sale of the personal property of the delinquent tax payer at public auction first giving ten days notice by posting up of the time and place of sale. If after taxes have been assessed the tax collector shall become satisfied that the taxes due from any person are in danger of being lost by delay, he is authorized and required without delay to seize upon same and sell any personal property liable for the payment for taxes.

Security for good behavior

SEC. 16. *Be it further enacted*, That the mayor and councilmen shall have authority to cause all vagabonds, idle or disorderly persons, all persons of ill-fame and such as have no visible means of support or found begging or drunk in or about the streets, or who can show no reasonable business or employment in the city or who have no fixed place of residence, or can not give a good account of themselves, all who are grossly indecent in language or behavior, publicly or in the streets, and prostitutes, or such as lead a notoriously, a lewd lascivious course of life, to give security for their good behavior for a desirable time; and in case of their refusal or inability to give such security to cause them to be confined to hard labor for a limited time not exceeding ten days in any one month, which labor shall be such as may be designated by the mayor and councilmen for the benefit of the city.

SEC. 17. *Be it further enacted*, That for any services rendered by the probate judge and sheriff of Madison

county under this act they shall receive the same fees and compensation from the town of Gurleys as for similar services to the State of Alabama and Madison county. Fees

SEC. 18. *Be it further enacted*, That the present code of by-laws and ordinances of the town of Gurleys shall remain in full force and effect until amended or repealed by the mayor and councilmen of Gurleys. Town code

Approved February 18, 1891.

415]

AN ACT

[s. 369]

To require the county treasurer of Winston county, to register all claims against the county, which have not heretofore been registered as required by law.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it is hereby made the duty of the county treasurer of Winston county to register all claims against said county which have not been registered as required by law. Registering  
of claims

SEC. 2. *Be it further enacted*, That all claims authorized to be registered under the provisions of section 1 of this act must be presented to the treasurer for registration within twelve months after the passage of this act. Within  
twelve  
months

Approved February 18th, 1891.

416]

AN ACT

[s. 487]

To incorporate the Alabama Iron and Steel Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Caldwell Bradshaw, Peter A. Buyck, W. G. Wheeler, Louis K. Plosser and Thomas J. Bradshaw, and such other persons as may be hereafter associated with them, and their successors or assigns, be and they are hereby constituted a body corporate under the name and style of the "Alabama Iron and Steel Name, rights  
etc

Company" and by that name may sue and be sued in all the courts of law and equity, and shall have the right of perpetual succession, the right to make and use a common seal and the same to break or alter at pleasure, and to have and exercise all and singular the rights, privileges, powers and franchises hereinafter conferred and granted.

SEC. 2. *Be it further enacted*, That the capital stock of said company is hereby fixed at ten million dollars, divided into one hundred thousand shares of one hundred dollars each which shares shall be deemed personal property and may be transferable in such manner as the company by its by-laws may direct. The said company may organize under this charter when fifty per centum of its capital stock has been subscribed and may commence business when twenty per cent. of the amount so subscribed has been paid into the treasury of the company.

SEC. 3. *Be it further enacted*, That the subscription to the capital stock of said company may be made payable in money or property real or personal, in whole or in part thereof, as may be expressed in the contract therefor; and if made payable in property other than money, at such price as may be agreed on between the subscribers and a majority of the said corporators and their associates, or if said subscription be made after organization of the said company, between the said subscriber and its board of directors.

SEC. 4. *Be it further enacted*, That the domicile of the company shall be in the city of Birmingham, and its principal place or places of business shall be located in Jefferson county, Alabama, but it may establish other branch offices or places of business at such other point or points in this state or elsewhere as its board of directors may authorize and direct.

SEC. 5. *Be it further enacted*, That the corporators named in the first section of this act, or any three of them, their successors or assigns, may open books of subscription for the capital stock of said company at such place or places as they may deem proper, and when as much as fifty per cent. thereof, shall have been subscribed they shall call the subscribers together at the city of Birmingham, Alabama, by giving notice



of the time and place of holding said meeting, by notice printed in some newspaper published in Birmingham, Alabama, at least ten days before the time of holding said meeting. At such meeting so called, the stockholders shall elect a board of directors from among their number, said board of directors to consist of not less than five nor more than nine members for the management of the property and business of the company, and who shall hold office for twelve months or till their successors are elected, and said board of directors shall elect one of their number to be president and one to be vice-president of the company, and shall also elect a secretary and a treasurer, who shall be stockholders, and may appoint such other officers, agents and employees as they may find necessary; and may fix the compensation to be paid such officers, agents and employees of the company; and the board of directors shall in like manner thereafter annually elect all officers of the company as herein provided, and to fill vacancies may elect such officers at any time by a meeting of said board specially called for that purpose.

Organization

SEC. 6. *Be it further enacted*, That when said company shall be fully organized as provided in fifth section of this act, an installment of twenty per cent. on each share of stock subscribed for in money shall be due and payable, and shall be called in by giving such notice as the directors may direct and determine. The balance due on such subscription shall be called in by the directors in installments, and each installment shall not exceed ten per cent. of the amount subscribed. Not less than fifteen days notice shall be given of the call of each installment, which notice shall be written or printed, either or both, and signed by the secretary or treasurer of the company, and mailed to each of such subscribers to the stock of the company at his stated postoffice address. Nothing in this act shall be construed as to prevent any subscriber to the capital stock of the company from paying up the entire amount of his subscription in cash and taking therefor fully paid up stock at any time he may elect to do so. No capital stock shall be issued by the company until the full amount therefor sub-

Payment for stock

scribed shall be paid into the treasury of the company. And in cases where subscriptions are made payable in property other than money, no stock shall ever be delivered to the subscriber until the property or value has been delivered to the company. In all cases where the subscription is made payable in installments, whether in money or otherwise, the company shall issue its certificate of subscription to the capital stock showing amount thereon paid and balance due, and obligating the company to deliver to the subscriber or assigns its corresponding number of shares of paid up stock on payment of balance due thereon, and the said certificate shall be signed by the president and countersigned by the secretary and treasurer and attested by the seal of the company, and the capital stock when issued shall be executed in like manner by the company.

Meetings of  
stockholders

SEC. 7. *Be it further enacted*, That at every meeting of the stockholders of the company, each stockholder shall be entitled to one vote for each share of stock owned and held by him, either in person or by proxy. The board of directors of said company shall be elected at each annual meeting of the stockholders, and they shall serve for one year, or until their successors are elected and qualified, and there shall be held at the principal office of the company, or at such other place as the stockholders may prescribe, annually a stockholders' meeting or convention for the election of directors and for the transaction of such other business as the stockholders, when so assembled, may deem necessary or proper. The omission or failure of the stockholders to call and hold such annual meeting shall not work a forfeiture of any of the company's rights, privileges, powers or franchises hereby granted. The board of directors shall have control of the business of the company, and shall make an annual report to the stockholders of their management of the company, and its financial condition, and make all needful by-laws, rules and regulations for the carrying on and conducting the affairs of the company, and prescribe the mode for the transfer upon the books of the company of the shares of its capital stock.

SEC. 8. *Be it further enacted*, That said corpora-

tion shall have the power to buy, own, hold, rent, lease Powers to  
sell, mortgage and convey and deal in lands and real buy, sell, etc  
estate, or any interest therein, situated and located in  
the State of Alabama, or elsewhere, and upon any land  
owned by the company, it may lay out such town sites,  
colonies, sites for manufactories and improvements of  
any nature or kind, and dedicate to the public use,  
streets, avenues, parks and alleys as its board of di-  
rectors may determine and direct.

SEC. 9. *Be it further enacted*, That said corpora- Rights, pow-  
tion shall have the authority and power to buy, hold, ers, etc  
sell and dispose of or deal in the stock or bonds of  
other corporations or associations, notes, bills, mort-  
gages, choses in action and all other personal property.

SEC. 10. *Be it further enacted*, That said corporation  
shall have authority and power to buy, mine and sell iron  
ores and coal, and to produce, manufacture, buy and  
sell coke and iron and steel in their crude or finished  
state, and to manufacture, buy and sell any and all  
products from iron or steel; to buy, acquire, hold and  
enjoy all such lands, mineral rights, timber rights and  
other property, real or personal, and to purchase and  
construct such furnaces, rollingmills, sawmills, manu-  
factures, building and structures as may be deemed  
needful and useful in carrying on its business perma-  
nently in the most efficient and advantageous manner;  
and to lay out, construct, purchase and use all such  
tramways, railways, or other roads or ways as may be  
needful and convenient for the transportation of its  
ores, minerals, coal, coke, products, materials and other  
things that may be required in its business; *Provided*,  
that the said corporation shall lawfully acquire the  
rights-of-way for such tramways and railways or other  
roads or ways before the construction thereof.

SEC. 11. *Be it further enacted*, That said corpora- Right to pur-  
tion, in addition to the right conferred by section ten chase road  
of this act to construct, purchase, own and equip its etc  
private railway and other roads, shall have the author-  
ity and power to construct, purchase, own and equip  
other railroads for the purpose of conducting its rail-  
way business as a public carrier, and to exercise the  
rights, privileges and franchises hereinafter conferred.  
Said corporation is hereby authorized and empowered

Authority to  
construct  
roads

Routes

to survey, locate and construct and thereafter maintain and operate a railway with one or more tracks of rails from a point at or near the city of Birmingham, in Jefferson county, to a point on the Alabama river, at or near the city of Selma, in Dallas County, Alabama, on such route or routes as may be found best, and may continue said road on the most practicable route through the state to the state line in its course to a point on the Gulf of Mexico, which it may determine upon as a terminal for its said railway. In like manner said corporation shall have the right and it is hereby authorized to survey, locate, construct, equip and maintain such railways for the purpose of connecting its points of business in Alabama with each other, or with any other point or points on any railway system in this state, or for the purpose of connecting its said point or points of business with any deep water navigation.

Right-of-

way

SEC. 12. *Be it further enacted*, That said corporation is hereby authorized for the purpose of constructing said railroad or railroads, to survey and layout the right-of-way for the same, not exceeding one hundred feet wide, and for the purpose of constructing necessary buildings, and for the convenient operation of the railway, or for the purpose of protecting its structures, may take as much more land as the necessities of the company may from time to time require, such taking being governed by the provisions of the laws and constitution of this state regulating the taking of private property under the general incorporation laws.

Sections of  
code appli-  
cable to this  
act

SEC. 13. *Be it further enacted*, That after said corporation has been fully organized as provided for in section five of this act it shall have the authority and may exercise all of the rights and powers conferred on railroads incorporated under the general laws of this state by virtue of section (1580) fifteen hundred and eighty of the code of Alabama, and the said section is hereby made a part of this chapter as fully as if it were set out herein at length, and the provisions of sections 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588 (as amended Feb. 28th, 1889, p. 75), 1589, 1590, 1591, 1592, 1593, 1594 (as amended Feb. 28th, 1889, p. 111) and 1595 of the code of Alabama, shall be and

the same is hereby applicable to the corporation hereby created in the exercise of its railway privileges and powers just as fully and in all respects the same as if said company had organized under the provisions of chapter six of title one of part two of said code of Alabama, and said sections are hereby made a part of this charter, just as if the same were fully set out at length herein, except where such sections conflict with the express provisions of this act, it being the true intent and meaning of this act to confer on said company the powers granted to railroad companies organized under the incorporation laws of this state found in said chapter six, title one, of part two of the code of Alabama, except as such provisions are changed, modified or omitted by the express provisions of this act.

SEC. 14. *Be it further enacted*, That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation under and in accordance with section five of this act, or at any subsequent meeting of said stockholders duly and legally called for that purpose by the board of directors, shall have the power and authority to execute and issue its bonds for such sums and in such amounts and payable at such time or times as the said stockholders may determine, and bearing such rate of interest not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby authorized and empowered to execute in its corporate name a mortgage or deed of trust upon all of its property and franchises, or such part thereof as the said stockholders may deem proper, such bonds and mortgages or deeds of trust to be signed by the president, countersigned by the secretary and treasurer and sealed with the seal of said corporation; and the said corporation is hereby authorized and empowered to sell and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for any property real or personal, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

May issue  
bonds

Agencies

SEC. 15. *Be it further enacted*, That said corporation is authorized to constitute, appoint and continue an agency or agencies outside of this state for the proper transaction of its business abroad, and for the transfer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Approved February 18, 1891.

417]

AN ACT

[s. 283

To establish a new charter for The Town of Carrollton.

Corporate  
limits

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Carrollton, in Pickens county, be and the same is hereby incorporated, and the corporate limits of said town shall be 480 yards equi-distant north, east, south and west from the center of the present court house of said county, and east of that limit along the turnpike road one hundred yards wide on either side so as to include "Crescent Park" spring, and the Rock spring southwest thereof.

Elections  
bi-ennially

SEC. 2. *Be it further enacted*, That an election shall be held in said town the first Monday in March, 1892, and on the same day in every two years thereafter, for the purpose of electing a mayor and four councillors, inhabitants of said town, who shall serve for the term of two years, and until their successors are duly elected and qualified, which election shall be held by any three discreet householders of said town whom the board of mayor and councillors may appoint for that purpose; *Provided*, that until the first Monday in March, 1892, the officers of said town shall be elected, qualified and appointed as heretofore provided under the old charter. It shall be the duty of the said mayor to preside at all meetings of the councillors, and preserve order and decorum; and in his absence or incapacity, any councillor may be called to the chair; and the mayor and councillors shall be and they are hereby declared and constituted a body politic and corporate by the name and style of mayor and council of the



town of Carrollton, and by that name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded in all manner of suits, either in law or equity; and they shall have power and authority to keep a common seal, and the same to break, alter and amend at pleasure, and in general to do and perform all acts which are usually incident to bodies corporate; to purchase, use, hold or dispose of for the benefit of said town, real or personal property to the value of five thousand dollars.

SEC. 3. *Be it further enacted,* That the said corporation shall have power to pass by-laws and ordinances necessary to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town; to prevent and remove nuisances; to suppress gaming of every description; to establish, alter and open new streets and alleys; to provide for licensing, taxing, regulating and restraining theatrical amusements, shows and exhibitions of every description, and fairs, suppers, festivals and such like when anything is offered for sale; to restrain and prohibit every species of drunkenness, profane swearing, obscene language, assaults and batteries and all other breaches of the peace which would be a violation either of common law or the criminal statutes of Alabama; to clear and remove obstructions from and keep in repair the streets and alleys of said town; to have a general superintendence and control over the springs and wells of said corporation; to erect and regulate markets; to preserve and protect public buildings and property in said town; to grant license to retailers and wholesalers of spirituous, vinous or malt liquors, cigarettes and morphine, and to regulate, prohibit and restrain them when deemed expedient; and the said corporation shall have full power and authority to alter, amend, repeal or revoke at pleasure all by-laws, and to put in execution all by-laws that may be in force. The said corporation shall have power to appoint a treasurer, an assessor and tax collector, a marshal, a superintendent of streets, and such other subordinate officers as they may deem necessary, and by ordinance to require such security from the several officers so appointed; to annex such fees to the several officers, to

impose such fines for neglect of duty in office as they shall deem necessary; and they are hereby empowered to lay and adjudge and collect by execution or other legal process, such fine, or fines, for a breach or breaches of their by-laws as they may deem proper; to levy and collect taxes on all property, both real and personal, at a rate not higher than one-half of one per centum of the value thereof, and to sell real estate or personal property for the payment of said taxes in the same manner as prescribed by the code of Alabama for the sale of real estate for the payment of taxes due the state within said corporation, for the defraying of the expenses of the same; to prevent the introduction of contagious or infectious diseases within the limits of said town.

Hard labor  
for fines

SEC. 4. *Be it further enacted*, That when a fine, or fines, shall be imposed upon any person or persons for any breach of the ordinances or by-laws of said town, and the same, together with the cost, be not immediately paid or secured by confession of judgment as provided in the state under the code of Alabama, such person or persons shall be sentenced to hard labor upon the streets of said town for a sufficient length of time to pay such fine and costs at the rate of not more than two dollars per day to pay the fine and at a rate of forty cents per day to pay the costs and it shall be the duty of the corporate authorities to require such person or persons so sentenced to hard labor, when not employed at such hard labor, to be securely kept or confined in the jail of Pickens county, or other safe and secure place; *Provided*, upon the payment of the said fines and costs by such convict, after sentence, such convict shall be released from further hard labor on the streets.

Working on  
streets

SEC. 5. *Be it further enacted*, That the inhabitants within the corporate limits of the town of Carrollton shall be exempt from working on public roads outside the corporation, but the streets and highways within said corporate limits shall be kept in repair by the corporate authorities of said town; *Provided*, that any person, liable to work on the streets, may relieve himself of the same for any one year by paying a street tax, to be levied by the corporate authorities of said

town, not to exceed five dollars; *Provided further*, that any person not paying said street tax, and failing on notice to work the said streets shall be proceeded against in the same manner as now provided by law for like defaults in working the public roads, and be liable to the same penalties; *Provided further*, that no person who has been living within the limits of said corporation for ten days previous be exempted or excused from working on said streets or paying street tax, except such as are exempted or excused under the public road laws of Alabama.

SEC. 6. *Be it further enacted*, That when any vacancy or vacancies shall happen in the board of mayor and councillors by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added shall continue in office until the succeeding bi-ennial election; and if there should be a failure to hold the election for mayor and councillors on the day mentioned in this act for that purpose, it shall be lawful to hold said election within one month thereafter and the board of mayor and councillors, in office anterior to every such election, shall not be dissolved until such election shall be held, and the mayor and councillors elected and duly qualified. Vacancies

SEC. 7. *Be it further enacted*, That the said mayor and councillors shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish all by-laws and ordinances in some newspaper, or at three public places in said town. Clerk

SEC. 8. *Be it further enacted*, That the mayor and councillors first elected under this act, and their successors in office shall, before they enter upon the duties thereof, take an oath before some officer having authority that they will faithfully discharge the duties to them committed to the best of their ability, a certificate of which shall be filed with the clerk of the board of councillors. Oath of office

SEC. 9. *Be it further enacted*, That all persons eligible to vote under the laws of Alabama, who shall have resided within the limits of said town two months preceding an election for mayor and councillors, shall be deemed qualified electors. Voters

SEC. 10. *Be it further enacted*, That from and after the passage of this act the mayor of the town of Carrollton, shall have and exercise all the rights and privileges of a justice of the peace in all matters civil and criminal; he shall perform the same duties, be subject to the same liabilities, and shall give like bond with other justices of the peace in this state; and his jurisdiction shall in these respects extend throughout the beat in which said town is situated; that is he shall have power to restrain, prohibit and remove nuisances; to order the arrests of any person or persons with or without a warrant, who violates any of the by-laws and ordinances of said corporation, and shall have power to deputize any bystanders, when necessary, to make or assist in making such arrests; that the marshal of said town shall have power to arrest any person or persons, with or without a warrant, who shall violate any of the by-laws and ordinances of said corporation, and bring the same before the mayor for trial, that the said marshal upon executing the like bond as is required of the constable of the beat in which said town is situated, be entitled to exercise the powers and be subject to the same duties and liabilities of said constables.

SEC. 11. *Be it further enacted*, That in all cases where any person or persons shall be convicted of offenses against the by-laws and ordinances of said town, and such person or persons shall fail or refuse to pay or secure to be paid, the fine or fines imposed, it shall be lawful for the mayor to commit such offender or offenders to the jail of said county, and the jailer of said county is hereby required to receive and keep such offender or offenders in the jail of said county, till the period of such imprisonment shall expire, or until he receives a certificate of the payment of the fines and costs from the mayor; *Provided*, the corporation shall pay the jail fees in all cases where they can not be collected of the offender or offenders, which jail fees shall be the same as allowed by the code of Alabama for white prisoners.

SEC. 12. *Be it further enacted*, That all fines that shall be imposed by the mayor, for offenses against the by-laws and ordinances of said corporation, shall

be paid to the treasurer of said corporation for the benefit of said town.

SEC. 13. *Be it further enacted*, That no person shall participate in the holding of any election in said town at which he is a candidate or being voted for by his consent, but such person shall retire and his place be filled by a qualified voter of said town. Holding elections

SEC. 14. *Be it further enacted*, That the mayor and councillors of said town shall, ten days before the first day of February in each year, publish in a newspaper or post at three public places in said town a statement in writing, sworn to by them, showing separately the amount of taxes collected during the preceding year on real and personal property; the amount of street tax collected during the said term, and the amount of fines and forfeitures collected during said term, and the amount of revenues realized from all other sources; the amount paid out during said term for work on the streets; the amount paid to each officer, and all other disbursements, and showing the balance if any remaining in the treasury. Mayor to publish annual statement

SEC. 4. *Be it further enacted*, That all laws and parts of laws, so far as they contravene the provisions of this act, be, and they are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

418]

AN ACT

[s. 250

To prevent stock from running at large in certain parts of Roanoke Beat, No. 10, in Randolph county

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following described portion of Roanoke Beat, No. 10, in Randolph county, be made a stock law district, to-wit: All of fractional township twenty-two, of range twelve, and fractional township twenty-two of range eleven in Roanoke beat. Also, sections 25, 26, 35 and 36, in township twenty-one, of range eleven, in said beat. Also, sections 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32, 33, 34, 35 and 36, in township twenty-one, range twelve, all Stock law districts

in Roanoke Beat No. 10, is hereby established as a stock law district in said Roanoke beat, with power of voting on the question of stock running at large in said district.

Election      SEC. 2. *Be it further enacted*, That whenever fifteen freeholders in said district shall petition the probate judge of said county, asking that an election be held in said stock law district to decide whether in said district stock shall be prohibited from running at large, the probate judge shall order an election in such districts at the usual voting places, which said order shall be published twice in a newspaper published in said county and shall notify the public that an election will be held at the voting place in said district in Roanoke beat not less than twenty nor more than thirty days from such publication, specifying the day of election to decide whether in said district or boundary stock shall be prohibited from running at large. The probate judge shall also appoint two managers of such election, one of whom favors and the other opposes such law; at said election the qualified voters of the district only shall be allowed to vote. Those favoring the running at large of stock shall have on their ballots "stock at large," and those opposing shall have on their ballots "no stock at large." Said ballots, at the close of the election shall be counted by the managers and the result certified to the probate judge within two days after said election. If a majority of the votes cast as certified by the managers are in favor of prohibiting stock from running at large, the judge shall enter an order on the minute books of county commissioners to that effect, and shall at once publish said order in a newspaper published in said county for two weeks; and six months after said publication the provisions of this act shall apply and be in full force and effect in such district or boundary, and it shall be unlawful in such district or boundary for the owner of any stock to permit such stock to go upon the land or crop of another within the prohibited territory, and for each wilful violation of this section the owner of such stock shall be guilty of a misdemeanor, and upon a conviction of such offense shall be fined not less than five nor more than fifty dollars; and

Words on ballots

Duty of judge of probate

Penalty



the term stock where it occurs in this act, shall be held to include horses, mules, mares, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

SEC. 3. *Be it further enacted*, That for the election provided for in section 2 of this act, the judge of probate shall appoint two challengers, one favoring and one opposing the law. If any contest arises as to the result of said elections, the party so contesting shall file with the probate judge in five days after the election his objections to granting the order prohibiting the running at large of stock, and shall give bond with sufficient surety, to be approved by the probate judge, to pay the costs of the contest. The said judge shall cause the sheriff to summons twelve jurors residing outside of said districts, who shall sit on the trial of such contest, and said jury shall be sworn by said judge to render a true verdict, and on a day to be named by the judge, not less than five nor more than ten days from the filing of the contest, a trial shall be had at which said judge shall preside and conduct the same as other trials. The issue to be decided on such trials shall be: 1st, was said election held according to the provisions of this act? 2d, was the result for or against the stock law?

Contests

SEC. 4. *Be it further enacted*, That the election provided for by this act shall be held within the hours and under the rules governing general elections in this state; that the managers may administer to each other an oath that they will conduct the election fairly and a true certificate render to the probate judge; if either of them fail or refuse to serve, any other competent man residing in said district or boundary may serve; *Provided*, There shall be but one election under this act in six months time, and any officer failing to perform his duty under this act shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars.

Rules for election

SEC. 5. *Be it further enacted*, That any damage done by stock running at large in such prohibited territory, the owner shall be liable to the injured party in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered shall be a lien on stock so

Stock liable for damages

committing the damage, and the court entering the judgment shall enter therein an order that the officer executing the writ of execution on such judgment, shall seize and sell the said stock for the satisfaction of the judgment.

Triable before justices of the peace      SEC. 6. *Be it further enacted*, That the prosecution and civil actions provided for in this act may be tried before any justice or notary public with justice jurisdiction in the beat where the offense or damage occurs; and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public is incompetent or there is a vacancy in such offices, then such trials shall be in the nearest beat in said county where no objections exist. For such trials and prosecutions said justice courts shall always be open, but three days notice shall be given to the opposite party.

Taking up stock      SEC. 7. *Be it further enacted*, That any stock running at large in violation of section five of this act, and trespassing on the lands or premises of any person other than the owner of said stock, the party so trespassed upon may take up and impound such stock in some place of safe keeping, giving therein necessary food, water and attention, and in compensation for such attention shall receive a fee of twenty cents per head per day for each hog, sheep, goat or animal of their kind, and forty cents per head per day for each cow or animal of the cow kind, and fifty cents per head per day for all other stock; *Provided*, the party impounding such stock shall be entitled to charge for one day immediately on impounding the stock and shall not charge a second fee until after the expiration of twenty-four hours from the time such stock was impounded. When any stock has been so impounded notice shall be given to the owner, if known, and if unknown, notice thereof shall be given within twenty-four hours by posting in three public places in the neighborhood, in which stock was impounded. Such notice shall describe such stock, giving marks and brands, and state that unless such stock is claimed by the owner thereof, it will be sold at some particular public place in the neighborhood, on the eighth day after the date of such notice.

Fees

Public sale

SEC. 8. *Be it further enacted*, That if such sale is made the party making such sale shall deduct his fee for attention from the proceeds thereof, and shall turn over to the treasurer of the county the remainder, if any, with his or her sworn statement as to the proceedings of sales, and a copy of the notice above required. Proceeds paid to county treasurer

SEC. 9. *Be it further enacted*, That if any money is paid into the treasury from the sale of stock, the same shall be held subject to the claims of the owner of the stock sold, and shall be paid to such owner upon his application and proof of the property.

SEC. 10. *Be it further enacted*, That any owner, custodian, or manager of any animal prohibited from running at large in said district, who shall allow such animal to go at large or uncontrolled in said district, shall, on conviction, be fined not less than twice the amount of the damages committed by said animal upon property in said district; one-half of which fine shall go to the person injured. Damages

SEC. 11. *Be it further enacted*, That any person who shall drive any animal into said district, and shall set said animal at large therein, shall, on conviction, be fined not less than five nor more than one hundred dollars. Penalty

SEC. 12. *Be it further enacted*, That any person who causes any live stock to break away from their herder or guards, or who drives said live stock upon the lands of another, or takes away from any lot or place where such stock has been impounded, without first having paid the fees required by this act, must, on conviction, be fined not less than five nor more than one hundred dollars; and the offense shall be triable before the justice or notary in the precinct, or, if none, in an adjoining precinct; *Provided*, that the owner of any stock sold under this act may, at any time within twelve months after the date of such sale, redeem said stock by paying to the purchaser the amount of such purchase-money, with interest thereon from date of such sale. Driving stock away  
Penalty  
Right to redeem

SEC. 13. *Be it further enacted*, That the petitioners shall pay the expenses of holding the election provided in this act. Expenses of election

SEC. 14. *Be it further enacted*, That all laws and

Laws in conflict repealed act be and the same are hereby repealed.

Approved February 18, 1891.

419]

AN ACT

[s. 239

To incorporate Blount College, in Blount county, Alabama.

Corporators

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Richard Nations, Lewis B. Huffstutter, Vernon Warren, William T. Hood, Thomas O. Sively, Uriah W. Bynum, John Blackwood, Joseph F. Hendricks and Obijah E. Fields, of Blount county, Alabama, be and they are hereby created a corporation and body politic, with power of succession to continue for such length of time as they or their successors may see fit, and their successors shall have all the corporate powers and privileges herein conferred upon them.

Name, powers, etc

SEC. 2. *Be it further enacted*, That the name of said corporation shall be Blount College, and its place of business shall be at Blount College, in the town of Blountsville, in Blount county, Alabama, and that said corporation and their successors shall have power, under and by virtue of said corporate name, to maintain at Blountsville a college for the education of males and females of the white race, and to grant diplomas to all persons who shall complete the course of study which shall be adopted by said college, and to do and perform all other acts and things which are or may be necessary or proper in carrying out the purpose of a regular college.

SEC. 3. *Be it further enacted*, That the said corporation or their successors shall have power under said corporate name to acquire, have, own, receive and possess by gift, grant, purchase, devise, bequest or otherwise, real and personal property, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

SEC. 4. *Be it further enacted*, That said Richard Nations, Lewis B. Huffstutter, Vernon Warren, William T. Hood, Thomas O. Sively, Uriah B. Bynum, John Blackwood, Joseph F. Hendricks and Abijah E. Fields or their successors, shall elect the professors and teachers, one of whom they shall make president who, when so elected, shall constitute the faculty of said Blount College. Faculty

SEC. 5. *Be it further enacted*, That the faculty of said college, under the supervision of said corporation, may instruct in any of the arts and sciences, may grant diplomas, certificates of scholarship, and may confer such degrees of literary or scientific distinction as are usually conferred by high grade colleges in the United States. Diplomas, etc

SEC. 6. *Be it further enacted*, That the faculty of said college may grant to students of said college certificates of proficiency in all branches of study completed by said students in said college after having examined them in said branches as required by the school laws of the State of Alabama, and said certificates of proficiency when presented to any county superintendent of education in the State of Alabama, shall entitle the possessor to a license to teach the branches enumerated therein in the public schools of Alabama without further examination; *Provided, however*, that the holders of said certificates shall first present to said superintendent of education sufficient proofs of good moral character. Certificate of proficiency  
Entitles possessor to teach

SEC. 7. *Be it further enacted*, That this said corporation may acquire, own and use property, real and personal, not to exceed in amount the sum of one hundred thousand dollars (\$100,000), not including the endowment funds that may be procured, and the said property hereby authorized to be owned and used, with any endowment funds, shall be exempt from taxation, whether county, state or municipal. Property exempt from tax

SEC. 8. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 18, 1891.

To create a separate school district in the county of St. Clair, to be called Cook's Springs Public School District, and to define the boundaries thereof.

Separate  
school dis-  
trict

Boundaries

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a separate public school district be and the same is hereby created in the county of St. Clair to be known and called Cook's Springs Public School District, and that the boundaries of such district be known and designated as follows, to-wit: Commencing at the top of Backbone mountain in St. Clair county at Elbow Gap, and where the public road passes through or over said gap, thence in a southwesterly direction along and with the line dividing election precincts three and sixteen in said county to where the same intersects the township line between townships sixteen and seventeen, thence west along and with said township line to the northwest corner of said township seventeen of range two, east; thence south along and with the western boundary of said township seventeen to the southwest corner thereof; thence east along and with the southern boundary of said township seventeen to the southeast corner thereof; thence north along and with the eastern boundary line of said section seventeen to where the same intersects the line dividing election precincts fourteen and sixteen in said county, thence in a northern direction along and with said precincts line to the residence of Mrs. Stevens near the Truss ferry public road, thence in a northwesterly direction to the late residence of Harrison Cowan near Cane creek, thence in a straight line in a northwesterly direction to the beginning point.

School funds

SEC. 2. *Be it further enacted*, That said separate school district shall receive its share of the free public schools fund of this state, as provided for by law, in proportion to the numbers of children within the educational age residing in said school district.

Superinten-  
dent

SEC. 3. *Be it further enacted*, That the superintendent of the free public schools in said township seventeen of range two, east, shall discharge the duties of superintendent of said Cook's Springs School District



until his successor is appointed or elected and qualified.

Approved February 18, 1891.

421]

AN ACT

[s. 478

To incorporate the Limestone County Oil and Gas Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Theophilus Westmoreland, Robert B. Mason, John H. Davis, William H. Sykes and Charles A. Arnett and such other persons as they may associate with them, their successors and assigns, be, and they are hereby created and constituted, a body politic and corporate, with perpetual succession, under the name and style of the "Limestone County Oil and Gas Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use a common seal, which they may alter or renew at pleasure, and may enact and execute such by-laws and rules and regulations for the government and management of the affairs of said company as they may deem expedient, and may elect or appoint such officers or agents as may be necessary, and may in and by such by-laws provide for the time and place of the company's meetings, which may be in the town of Athens, Alabama, or elsewhere, as the company may provide.

Name, rights  
etc

SEC. 2. *Be it further enacted*, That until a board of directors be elected by the shareholders as herein directed, the corporators hereinbefore named shall be the board of directors, and may open books in the town of Athens and elsewhere, as they may direct, for subscriptions of its capital stock, to be made upon such terms and in such manner as to payment as said board, by resolution placed at the head of the subscription list, may prescribe. The capital stock of said company shall be any sum not exceeding fifty thousand dollars, divided into shares of one hundred dollars each, and the same shall be transferable on the books

Books of  
subscription

Capital stock

of the company as fixed by the by-laws. Whenever twenty-five shares of the capital stock shall have been subscribed for, the subscribers may meet and elect a board of directors, which shall serve until their successors are chosen and qualified.

Powers

SEC. 3. *Be it further enacted*, That the said "Limestone County Oil and Gas Company" shall have power to purchase and sell and have real estate, and gas and oil rights; to build and operate pipe lines, trunk lines and railroads; to contract with individuals or corporations; to supply oil and gas for all purposes for which oil and gas can be used; to bore for oil and gas; and to do and perform all and any acts that may be necessary for the successful operation of an oil and gas company.

SEC. 4. *Be it further enacted*, That the principal office of said company shall be in the town of Athens, Alabama.

Approved February 18th, 1891.

422]

AN ACT

[s. 248

To establish and define the corporate limits of the city of Gadsden.

Corporate limits SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporate limits of the city of Gadsden be and the same are hereby established and defined so as to embrace and include the territory lying within the following boundaries, viz: Commencing at the point on the east bank of Coosa river, where the northern boundary line of the southwest quarter of section ten, township twelve, range six, intersects said east bank; thence in a westerly direction along the land line about one-half mile, to the northwest corner of the southeast quarter of section nine; thence in a southerly direction along the land line about one-fourth of a mile, to the southeast corner of the northeast quarter of the southwest quarter of section nine; thence in a westerly direction along the land line about five-eighths of a mile, to the point where said land

line intersects Black creek; thence up said creek, following the meanderings thereof to the point where said creek intersects the western boundary line of the south east quarter of section eight; thence in a northerly direction along the land line about one quarter of a mile to the northeast corner of the southeast quarter of the northwest quarter of section eight; thence in a westerly direction along the land line one quarter of a mile to the northwest corner of the southeast quarter of the northwest quarter of section eight; thence in a northerly direction along the land line about one mile and a half to the northwest corner of the southeast quarter of the southwest quarter of section thirty-two; thence in an easterly direction along the land line about two miles and a quarter to the northeast corner of the southeast quarter of the southwest quarter of section thirty-four; thence in a southerly direction along the land line about three-fourths of a mile to the point where said land line intersects the east bank of Coosa river; thence in a southwesterly direction along the east bank of Coosa river following the meanderings of said river to point of beginning.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Laws in conflict repealed

Approved February 18th, 1891.

423]

AN ACT

[s. 454

To authorize the mayor and council of Dadeville to issue bonds of said city, for an amount not exceeding five thousand dollars, for the purpose of purchasing a lot in said city, and erecting and improving school buildings thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and council of Dadeville, in Tallapoosa county, be, and they are hereby authorized to issue bonds of said city of Dadeville to an amount not exceeding five thousand dollars, or as much thereof as may be deemed necessary for the pur-

Authority to  
issue bonds pose of purchasing a lot and erecting thereon school buildings, or improving or adding to such buildings and purchasing furniture for the same. Such bonds shall be issued in sums of one hundred dollars each, and payable at such time as said mayor and councilmen may designate, not to exceed thirty years after date thereof, with coupons attached, bearing interest at not exceeding six per cent. per annum to bearer.

Signing and  
recording SEC. 2. *Be it further enacted*, That the bonds authorized to be issued, under the provisions of this act, shall be signed by the mayor, and countersigned by the treasurer of said city, and the seal of said city shall be affixed thereon, and the said city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Tax SEC. 3. *Be it further enacted*, That the said mayor and councilmen of said city may levy, assess and collect a tax in the manner and form as now provided by law in this state for assessing, levying and collecting taxes, not to exceed the limit, now provided by law in this state.

Authority to  
negotiate  
and sell SEC. 4. *Be it further enacted*, That the mayor and councilmen of Dadeville are hereby authorized to negotiate and sell such bonds as are issued by virtue of this act, but said bonds shall not be sold for less than par, one hundred cents on the dollar, less cost of negotiating and issuing the same, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, and to be used and applied solely to the purposes herein named, the payment and application of the proceeds of said bonds to be under the direction and control of said mayor and councilmen, and no member nor officer of said city shall apply the proceeds of the sale of the bonds issued in this act to any other purpose than herein named.

Authority to  
do all things  
necessary SEC. 5. *Be it further enacted*, That the mayor and councilmen of Dadeville are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the power herein granted, either through themselves or by agents duly authorized appointed by them for that purpose at any meeting of said board whether it be a regular or special meeting, and no technical informality, irregularity,

neglect or omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons.

Approved February 18, 1891.

424]

AN ACT

[s. 194

For the relief of W. L. Rowe, Sheriff of Tallapoosa county.

*Whereas*, W. L. Rowe, sheriff of Tallapoosa county, did on the 25th day of August, 1889, remove Frank Bell, a prisoner, who was arrested and confined at Irondale in Jefferson county, from said Irondale to Tallapoosa county, in which county he was triable, at an expense of \$22.75; *And whereas*, the said W. L. Rowe, as sheriff of Tallapoosa county, did on the 27th day of August, 1889, remove Ransom Fuller, a prisoner who was arrested and confined in the city prison of Anniston, in the county of Calhoun, from said city prison to the county jail of Tallapoosa county, in which county he was triable, at an expense of \$23.75;

Preamble

*And whereas*, the said W. L. Rowe, sheriff as aforesaid, did on the 24th day of October, 1889, present his accounts for the said removal to the auditor, which accounts were rejected, because the removals were made from the city prison at Irondale and not from the jail of Jefferson county, and from the city prison of Anniston, and not from the jail of Calhoun county; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor is hereby authorized and required to draw his warrant on the state treasurer in favor of W. L. Rowe, for the sum of \$46.50, covering the amount of the sum expended by said W. L. Rowe, in the removal of the prisoners above named, and the treasurer is hereby required to pay such warrant out of any moneys in the treasury not otherwise appropriated.

Appropriation

Approved February 18, 1891.

To incorporate the town of River Falls, in Covington county, Alabama, and to authorize it to cut a canal and issue bonds for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all of that tract of land in Covington county within the following boundaries to-wit: Commencing at the point on the east bank of the Conecuh river, at which the township line between townships four and five, range fifteen, intersect the said east bank of said river; thence west to northwest corner of section three, township four, range fifteen; thence south to the southwest corner of section ten, township four, range fifteen; thence east to east bank of the Conecuh river; thence along the east bank of said river to the starting point, be, and the same is hereby incorporated and shall be known and called by the name of River Falls.

Boundaries

Name

SEC. 2. *Be it further enacted*, That at any time within twelve months from the passage of this act, said incorporation may organize by the election of a mayor and five councilmen, who shall be elected by ballot by the qualified voters residing within said corporate limits.

Organization  
and election

SEC. 3. *Be it further enacted*, That Stephen Collins, Jas. L. Steele, Oliver Jernigan and J. K. Liles are hereby constituted managers of said election, and are hereby authorized to hold said election, fix the time and place and give ten days notice thereof, by posting in three conspicuous places in said corporate limits. They shall count the votes and declare the results; *Provided*, that if any one or more of the above named persons are candidates at said election, the others may exercise the powers here granted, with power to call others to their assistance if necessary. Said officers so elected shall hold offices for one year, and until their successors are elected and qualified. All officers of said town shall be elected by ballot except as otherwise provided in this act, and shall be elected thereafter annually, at such time as may be fixed by the town council.

Rules of elec-  
tion, etc



SEC. 4. *Be it further enacted*, That said town shall have power to sue and be sued, plead and be impleaded under the corporate name of the "Mayor and Town Council of River Falls." They may have and keep a common seal, and in general may do all acts which are incident to bodies corporate. They may purchase, hold and dispose of by sale or otherwise for the benefit of said town, real, personal or mixed property.

Power to sue,  
etc

SEC. 5. *Be it further enacted*, That said corporation shall have power to pass such by-laws and ordinances as may be necessary to preserve the health of the town and protect its good order; also to prevent and remove nuisances; to establish night watches and patrols; to establish and to keep in repair the streets and to open streets; to license all kinds of business that may be subject to pay a license under the laws of the state not to exceed in any case more than the state license; to regulate markets, prescribe penalties for disorderly conduct and all other misdemeanors made offenses by the state laws, and the mayor is hereby given jurisdiction to fine and punish the same which shall in no case exceed fifty dollars (\$50.00) or fifty days hard labor on the streets or other public works for the town.

Powers

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy, assess and collect a tax on all property within the corporate limits of said town not to exceed one-half of one per cent, and also to levy and collect a poll tax not to exceed three dollars (\$3.00) on each male inhabitant residing in said town over the age of twenty-one years. They may also levy a tax on all wagons, drays or other vehicles used for transportation of goods, wares and merchandise, for hire not to exceed five dollars (\$5.00) per annum. They may also regulate and establish a market for meats, breads, and vegetables, etc., and levy a license thereon.

May levy  
taxes

SEC. 7. *Be it further enacted*, That said town council shall appoint a marshal who shall hold office during the term of the council that appointed him, which said council may fix and prescribe the duties of the same. They may also appoint as many policemen as are necessary to preserve order in said town. They must appoint a clerk who will keep a complete record

Marshal, po-  
licemen,  
etc

of all proceedings and of all ordinances and by-laws. They must also elect a treasurer, and may fix the amount of his bond, who shall keep all the money of said corporation and pay out the same in the manner directed by said town council. The marshal shall be assessor and collector of the taxes and he shall execute a bond with such security and in such sum and on such condition as the said council may think necessary to protect the interest of the town. All ordinances and by-laws are subject to repeal or amendment by said town council or by the general assembly of Alabama.

SEC. 8. *Be it further enacted*, That said corporation by an ordinance of its town council is hereby authorized to cut a canal around which is known as Bullocks Falls within the corporate limits of said town, for the purpose of utilizing the water power on said stream so as to improve or not obstruct the navigation thereof, and the said town council may condemn the lands of private individuals over which said canal will pass, with thirty feet on either bank thereof, by the same proceedings now authorized by law, authorizing lands to be condemned for the right of way to railroads under the laws of this state; and said town council may issue bonds bearing interest at the rate of 4 per cent. per annum to an amount not to exceed twenty thousand dollars (\$20,000) payable in twenty years, for the erection of public buildings in said town, and such other public improvements as may be deemed necessary, for the health, prosperity and public convenience of the same.

SEC. 9. *Be it further enacted*, That the mayor shall preside at all meetings of the council and can vote only in case of a tie. Three members of the council shall constitute a quorum for the transaction of business. The mayor, or in his absence a member of the council, shall sit as judge to try all offenders brought before him for violation of the town ordinances, and such parties may be arrested by the marshal or the police without affidavit or warrant, and on proof sufficient may be constricted by the mayor and fined or sentenced to hard labor, one or both, as the mayor may decide. The mayor shall also be ex-officio justice of the peace, with powers as such under the constitution

and laws of this state, and he shall have jurisdiction as justice of the peace throughout the precinct in which the town of River Falls is located, and the marshal shall be ex-officio constable in the precinct. Appeals may be taken from the decisions of the mayor to the council by parties constricted for violation of the town ordinances and from the council to the circuit court. The mayor, or the council, as the case may be, may fix the amount and conditions of appearance and appeal bonds. In case of appeal from the decision of the council in any case tried before them, the mayor must make out a statement of the offense containing a copy of the ordinance alleged to be violated in the form of an indictment, which must be certified by him to be the charge on which the defendant was arrested and tried, and that the copy of the ordinance in said statement is a true copy of the original ordinance as adopted by the council, and this statement in the circuit court shall take the place of an indictment, and the copy of the ordinance shall be all the proof required of the existence and contents of the same, and in such cases the mayor shall in their turn, close after an appeal is taken, send to the clerk of the circuit court a certified transcript of all proceedings before him and before the council, with all papers in the cases, and if the defendant shall be constricted in said circuit court, unless he immediately pays all fine and cost or confess judgment for the same, he must be delivered by the sheriff over to the marshal of said town, to be worked at hard labor to pay the same. The costs incurred in the circuit court in such case should be certified by the clerk to the mayor of said town. In case the cost and fines are paid, the fine shall be paid over to the mayor as funds belonging to said corporation.

Approved February 18, 1891.

426]

AN ACT

[s. 24

To protect chickens and other poultry on the premises  
in the night time in the county of Mobile.

SECTION 1. *Be it enacted by the General Assembly*

Stealing  
chickens  
grand lar-  
ceny

*of Alabama.* That any person who in night time steals, or enters upon the premises of another with the intent to steal, any chickens or other poultry, is guilty of grand larceny, and on conviction, must be sentenced to hard labor for the county for not less than one nor more than two years; *Provided*, this act shall apply to Mobile county only.

Approved February 18, 1891.

427]

AN ACT

[s. 389

To incorporate the Alabama Locomotive Company.

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That R. B. Kyle, J. M. Elliot, junior, and Obal Christopher, all of this state, and their associates, successors and assigns, be and the same are hereby created a body corporate under the name and style of The Alabama Locomotive Company, and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at pleasure a corporate seal, and exercise all the rights and franchises herein granted.

Capital stock

SEC. 2. *Be it further enacted*, That the capital stock of said incorporation shall be such sum as the corporation hereinabove named shall fix and establish, not less than one million dollars; but the corporation shall have the right, after its organization, to increase its capital stock from time to time as the majority in value of the stockholders thereof in convention assembled shall determine, not to exceed the sum of ten million dollars.

Stockholders  
meetings

SEC. 3. *Be it further enacted*, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings or convention of the stockholders, each stockholder shall be entitled to cast in person or by duly appointed proxy, one vote for each share of stock owned by such voting stockholders. Executors and administrators shall have power to rep-

represent the stock of the estate of his, her or their testator or intestate, and guardians to represent the stock of the person or persons for whom such guardian or guardians may be empowered to act.

SEC. 4. *Be it further enacted*, That the persons Subscriptions  
to stock named as corporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place in the city of Alabama City, or at such other place in this state as they shall designate and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be determined and agreed on by and between a majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at subsequent adjourned meeting or meetings as may be deemed necessary if not completed at the first meeting.

SEC. 5. *Be it further enacted*, That when as Organization much as one million dollars shall have been subscribed as authorized in the last preceding section to the capital stock of said company by *bona fide* subscribers and the sum of fifty thousand dollars has been paid in cash or property at its cost value to some person appointed to receive same by said R. B. Kyle, J. M. Elliot, Jr., and Obal Chistopher, or any two of them, then at such time and place in said State of Alabama as may be determined by a majority of the subscribers in interest to said stock there shall be a meeting of the said subscribers for the purpose of organizing said company by the election of a board of directors to consist of not less than five members and said directors to be chosen from the subscribers to said stock by ballot. The officers Officers of said Alabama Locomotive Company shall be a president, and a secretary and treasurer, and such other officers as the board of directors may deem necessary. The President of said Alabama Locomotive Company shall be elected by the board of directors from their own members and the board of directors shall also se-

lect their other officers and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders, the time and place of holding which to be designated by the meeting at which such directors are elected or on its failure to do so the time and place for such convention to be fixed by the board of directors of which the stockholders shall have such notice as the board shall direct. The election of said directors and by them of the president as provided above shall constitute the organization of said company.

Increase of  
capital stock  
etc

SEC. 6. *Be it further enacted*, That after the organization of said company by and with the consent of the persons holding the larger amount in value of its stock first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition to be held after ten days notice is given by publication in some newspaper to be designated by the board of directors, the said corporation shall have the right from time to time to increase its capital stock and to take and receive additional subscription to its capital stock from time to time, and in doing so may, as it may deem proper and advantageous, receive such additional subscriptions payable in whole or in part in real or personal property or in stock, bonds, rights or franchises of other corporations, and may take and receive such subscriptions in the manner from either individuals or corporations engaged in the business of running or producing or manufacturing iron or steel, or coal or any of their products, and may take and receive proper conveyance for such lands, mineral rights and personal property in payment of such subscription for stock.

Annual  
meetings of  
stockholders

SEC. 7. *Be it further enacted*, That there shall be annual meetings or conventions of the stockholders of said Alabama Locomotive Company at the principal office of the company in Alabama City, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors for the election of president and directors and for the transac-



tion of such other business relating to the interest of the company as such conventions when assembled shall deem necessary or proper, of which convention notice shall be given to the stockholders as said company by by-laws or otherwise may prescribe, or as may be directed by the board of directors on omission of the company to prescribe; *Provided*, that omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. It shall require a representation of a majority in value of the stock held or owned in said Alabama Locomotive Company by stockholders in person or by their duly constituted proxies or agents to form a convention competent to transact business binding on the company or its stockholders. The number of directors to continue as provided in fifth section above until otherwise provided by the company which shall have power to increase or diminish the number as it shall deem proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election of their successors. Vacancies in the office of president or directors that may occur may be filled until the subsequent election by the board of directors, a majority of which will constitute a quorum for the transaction of business. Said Alabama Locomotive Company acting by its stockholders in convention shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying out of its business and may elect or appoint all such officers other than president and directors as may be deemed necessary or proper and fix the tenure and qualifications of each and prescribe rules for the transfer of the stock by the respective stockholders.

SEC. 8. *Be it further enacted*, That the business of said Alabama Locomotive Company is hereby declared to be and shall be the production of the material for and manufacture of and sale of locomotives, engines and boilers of every kind and specification, and the manufacture of any and everything necessary for the full completion and equipment of locomotives, engines and boilers as above set forth. Business

Rights and  
powers

SEC. 9. *Be it further enacted*, That said Alabama Locomotive Company shall have the right and power to manufacture any and all things made of metal or wood used in the construction, maintenance and operation of railroads, steamboats, steamships, gunboats and all other water crafts of any description, also to contract for, purchase and own personal and mixed property, and all such lands and mineral rights and timber rights and other property as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner, and said Alabama Locomotive Company shall have all the rights, powers, franchises, privileges and amenities by the general laws of the state conferred upon private corporations organized for mining, manufacturing or other industrial business ; and all general laws applicable to such private corporations shall be, and are hereby made applicable to said company except as herein may be otherwise provided. And in addition to the rights and powers of said company hereinbefore mentioned and which are set forth in this declaration as above it is hereby authorized to make donations of its lands or other property or effects or to lend the same on its credit by endorsement or otherwise to individuals, firms, associations or other corporations for the construction of railroads leading to or from the works or vicinity ; to aid in erecting and operating bridges, ferries, furnaces, steel furnaces, mills, rolling mills, factories, works and workshops, foundries or other industrial enterprises in Alabama City or its vicinity ; to aid in the establishment of any business or enterprise of any character which in the opinion of the directors of said Alabama Locomotive Company may be to the interest of said company, or that would promote the interest of or in anywise inure to the benefit of said Alabama Locomotive Company of Alabama ; to assist the corporate authorities of Alabama City in any and all works and improvements of a public or municipal character by donations, subscription, loan or purchase, or by endorsement or guarantee of said city's bonds, obligations or securities ; to become a stockholder in any and all corporations organized for the carrying on in said city

or vicinity of any manufacturing or industrial enterprises or business, of any bank, savings bank, or banking company, insurance company, trust company, or guarantee company, or any other character of company which is now organized or may hereafter be organized whose principal place of business shall be in Alabama City or its vicinity, whether incorporated under the general laws of the state or act of the legislature, and in all railroad companies that will build or extend their lines to or from Alabama City or its vicinity; to construct in said Alabama City or its vicinity for a distance of ten miles from the present corporation limits of said city, tramway street railroads, turnpikes, or other roads, and to operate the same; to construct or aid in the construction thereof by donations, subscriptions, loans or otherwise, and to charge reasonable fare, tolls or freight for the use thereof; and to establish and endow or aid in the establishment and endowment of universities, colleges, schools, polytechnic institutes and industrial schools and colleges, religious institutions, hospitals, asylums or other charitable institutions.

SEC. 10. *Be it further enacted*, That the said Alabama Locomotive Company, by and with the consent of the persons holding the larger amount in value of the stock thereof given in person or proxy at any meeting of said stockholders duly and legally called by the board of directors of said company for the purpose, shall have the power and authority, which is hereby given to it, to issue its bonds for such sum and in such amounts and payable in such time or times as the said stockholders may determine, which said bonds shall bear such rate of interest not exceeding eight per cent. per annum as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon the said company is hereby given power to execute a mortgage or deed of trust in its corporate name and under its company seal upon all of the property of said company, including its franchises or such parts thereof as said stockholders may determine best; the said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company and sealed with the seal of said company; and

May issue  
bon

the said company is hereby authorized to sell and dispose of its said bonds for its purposes as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

May pay  
debts in  
bonds,  
stock, etc

SEC. 11. *Be it further enacted*, That said Alabama Locomotive Company shall have the right to pay off any and all debts in money, bonds, notes, or by issue of its own stock on such terms and in such manner and upon such conditions as said company may deem best, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

SEC. 12. *Be it further enacted*, That this act shall take effect immediately on its approval.

Approved February 18th, 1891.

428]

AN ACT

[s. 200

To regulate the planting and taking of oysters in the waters of this state.

Title to oys-  
ters is in the  
state

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the title to and property in all oysters in the tide waters of this state, whether upon public reefs or in so-called private beds, or whether the same be transplanted by riparian proprietors under authority of law or otherwise, or whether the same be a growth from natural deposit, is, and shall remain in this state until such title shall be divested in manner and form as herein authorized or provided.

Citizens may  
take oysters

SEC. 2. *Be it further enacted*, That a license is hereby given to resident citizens of the State of Alabama to catch or take oysters, the property of the state, from the public reefs or from private beds planted and owned by them, or in which they have secured an interest, or permission from the proprietor thereof to take such oysters, upon the terms and conditions and subject to the restrictions and regulations hereinafter set

forth and enacted, but no person or persons not a resident of the State of Alabama is, or shall be authorized to take or transport any such oysters from, in or through any of the waters of the State of Alabama; and it is unlawful for any person, whether a citizen of the State of Alabama or of any other state or country, to ship beyond the limits of this state any oysters taken from the waters of this state while the same are in the shells; *Provided*, that between the middle of December and the middle of January, oysters in the shell may be shipped in barrels by railroad to other states; *and provided further*, that such oysters in the shell may be shipped bona fide from any point in the State of Alabama to any other point in said state by the lines of transportation which lie partly within and partly without the State of Alabama; *and provided further*, that any resident citizen of the State of Alabama who shall lawfully take any oysters from the tide waters of this state as in this act authorized, shall have a qualified interest or property in the oysters so lawfully taken while in the shell, which he may sell and transfer to any other person within the limits of the State of Alabama, and after said oysters have been shelled within the State of Alabama such lawful taker or his assigns, as the case may be, shall be vested with all of the state's property and title in and to said oysters, and shall have the right to sell such oysters and shells, or ship the same beyond the limits of this state without restriction or reservation; *Provided further*, that in case of any infringement of the foregoing qualified interest in said taker of oysters, said taker may, in his own name, maintain an action against the wrong doer, either in case or trover, as may be proper; and in case of larceny or other public offense concerning such oysters while in the hands of a lawful taker, the ownership thereof shall be averred in such taker or possessor when by law it shall be necessary to aver ownership.

Shipping  
oysters in  
shell to oth-  
er states

Shipping to  
points in  
Alabama

Shipping  
shelled oys-  
ters, etc

SEC. 3. *Be it further enacted*, That it shall be unlawful for any person to take from their natural beds, or from artificial beds, any oysters within the waters of this state between the first day of May and the first day of September in each year, for planting or for any

When un-  
lawful to  
take

Exceptions	other purpose; <i>Provided</i> , that the owner of any private bed, for his own private use, and for the use of his family, shall be authorized to take oysters from his own private bed at any season of the year; and in no case shall it be lawful to take oysters which are less than two and one-half inches in length except for planting in the waters of this state, nor shall it be lawful to take oysters for the purpose of canning the same, which are less than two and a half inches in length.
Lawful size of oysters	
Taking oysters from water	SEC. 4. <i>Be it further enacted</i> , That it shall be unlawful for any person to catch or take any such oysters from the waters of this state as are described in section one of this act, whether from public reefs or from private beds, other than with the hands or with the double rake, generally known as oyster tongs, and worked by hand. And it shall be unlawful for any vessel, boat or skiff engaged in the oyster business, or in the business of catching or transporting oysters, or while cruising in the tide waters of this state, to have aboard any implements constructed, or intended to be used, for catching or taking oysters, other than the tongs above described; and any person or persons who shall be guilty of catching or taking, or attempting to catch or take, or who shall procure or aid in the catching or taking of oysters with dredges, drags, scoops, nets or similar devices, or who shall have aboard of any boat, any such dredges, drags, scoops, nets, or similar device, while engaged in the taking of oysters, or while sailing in the tide waters of this state, shall, on conviction thereof, be fined not exceeding five hundred dollars for the first offense, and not exceeding one thousand dollars for each subsequent offense; and such drags, scoops, dredges, nets, or other devices, and the boat or vessel in which the same may be at the time, shall be forfeited to the State of Alabama; and any such party so offending may be also imprisoned in the county jail of the county in which such offense is committed for not exceeding six months for the first offense, and for not exceeding twelve months for any subsequent conviction.
Penalty for unlawful taking, etc	
Disposition of undersized oysters	SEC. 5. <i>Be it further enacted</i> , That any person or persons engaged in the taking of oysters in the waters of this state, except for planting in the waters of Ala-



bama, shall cull all oysters before leaving said beds or reefs on which the same are taken, removing from the oysters of size to be lawfully taken all such oysters as can, by due care, be detached therefrom without the destruction of the marketable oyster, and shall throw back on the beds or reefs from which they are taken all such oysters so removed from the marketable oysters, and shall carefully scatter such undersized oysters over such beds or reefs from which taken; *Provided, however,* that the catcher shall have the privilege of planting elsewhere within this state or of selling to planters who are resident citizens of this state, and who own oyster beds or reefs, a privilege of planting, or riparian fronts which can be converted into oyster beds, in the tide waters of Alabama, for the purpose of planting all such officers within the tide waters of this state.

SEC. 6. *Be it further enacted,* That the words "private beds," where they are used in this statute, are such as riparian proprietors are authorized to plant or own under section 1385 of the code, the provisions of which are not intended to be in any way affected by the provisions of this act. Private beds

SEC. 7. *Be it further enacted,* That all oysters authorized to be sold in the shell under the provisions of this act, shall be bought or sold as provided in section 1228 of the code, the provisions of which are not intended to be affected in any way by the provisions of this act. Provisions of code

SEC. 8. *Be it further enacted,* That where oysters are taken from public reefs for transplanting in private beds during one season, the same shall not be removed from such private beds until the next succeeding season. Transplanting

SEC. 9. *Be it further enacted,* That no person shall be authorized to catch oysters on any of the public reefs or in any of the waters of this state, for sale or trans-shipment unless such person shall first procure from the probate judge of the county of Mobile, on the first day of January of each year or before March 1st, 1891, a license for each boat used by him in catching or transportation of oysters, which license shall expire at the end of the calendar year, and in his application License for oyster boat

Rate of license he shall give the name, dimensions and description of such boat, the character of rigging, the number of barrels of oysters said boat shall be licensed to carry (and the number of catchers to be employed thereon), and shall pay for such license, for each boat, at the rate of ten cents per barrel capacity of such boat, each of which said boats shall be numbered, and its number endorsed on the license therefor; and it shall be the duty of the probate judge to give each boat its number, and to keep a record thereof in his office, which number shall be endorsed on the license, and which said number shall be painted upon the stern and each side of the bow of said boat, in figures not less than eight inches long by six inches wide, and both sides of the main or principal sail of said boat, if a sail boat, or on a shield on both sides of the smoke stack, if a steamboat, in figures not less than two feet long by eighteen inches wide, in red letters, on a white ground, and it shall be unlawful for any boat not so licensed as an oyster boat to have thereon any such figures. And any person making application for a license shall make oath to the contents of such application, and any wilful false swearing in reference thereto shall be perjury and punishable as such; and it shall be unlawful for any boat so licensed to carry or have on board at any time a greater number of barrels of oysters than the capacity of such boat as stated in such license.

Regulations, etc

Perjury

Ten cents per barrel SEC. 10. *Be it further enacted*, That all persons catching or taking oysters from the public waters of the State of Alabama, shall pay to the probate judge of the county of Mobile, or to the inspector or deputy inspector, ten cents per barrel for all oysters so caught or taken, or caused to be taken from said bed; or reefs, for shipment, canning or sale, or otherwise.

Governor to appoint SEC. 11. *Be it further enacted*, That the governor of the State of Alabama is hereby authorized to, and shall appoint and commission a competent person as inspector (and a competent person as deputy inspector), whose duty it shall be to inspect all oysters taken from the public reefs or private beds as far as practicable, in the waters of the State of Alabama, and to see that the same are culled and are of the dimensions authorized to be taken under the provisions of this act,

Duties of inspector and deputy inspector

and that they are taken for the purpose and are disposed of as herein authorized, and to see that all oysters not authorized to be taken for sale or consumption, shall either be carefully scattered on the beds or reefs from which taken, or else planted, or sold to planters who own beds or reefs in the waters of the State of Alabama, and generally to exercise a supervision over the oyster beds, and to see to and enforce the due execution of the oyster laws of this State. And it shall be the duty of such inspector and deputy inspector, each, to give bond in the sum of two thousand dollars for the faithful performance of his duty; and the power and duty of the deputy inspector shall be in all respects coequal with that of the inspector as far as the supervision and enforcement of the oyster laws of this State are concerned, and it shall be the duty of the inspector to supervise the actions of the deputy inspector; and it shall be the duty of the deputy inspector to make report to such inspector. The inspector shall receive for his services the sum of seventy-five dollars per month, and the deputy inspector the sum of sixty dollars per month, as a salary for their services, payable out of any moneys in the state treasury not otherwise appropriated, and the same shall be payable monthly, as other public officers are paid; and such inspector and deputy inspector shall hold office for the period of two years, or until their successors are appointed and commissioned, unless they shall be sooner removed by the governor. And the governor is hereby authorized to remove such inspector and deputy inspector upon the advice of the grand jury of the county of Mobile, if upon investigation, he shall be satisfied that such inspector or deputy inspector should be so removed, and to fill all vacancies that for any cause may from time to time occur in such offices.

SEC. 12. *Be it further enacted*, That no person engaged in the planting, catching, transportation or shipping of oysters shall be a proper security upon the bond of such inspector or deputy inspector.

SEC. 13. *Be it further enacted*, That it shall be the duty of any person engaged in the business of catching oysters on the public reefs, or beds, or taking and shipping the same from private beds, to pay to the in-

Salaries

Term of office

Removal

Vacancies

Security on bond

Payment of the tax

Form of receipt	spector or deputy inspector, or to the probate judge of Mobile county, the tax of ten cents, as required in section 10 of this act, to be paid for the taking of oysters in the waters of this state, and it shall be the duty of such officer to give a receipt therefor to the person paying the tax, which said receipt shall state the number of barrels, where caught, and the time when and the amount paid, and the name of the person paying and for whose account, and such receipt should be taken from a stub-book, the stub of which shall be numbered to correspond with the receipt, the stubs of which book when exhausted to be returned to the probate judge of Mobile county. And it shall be the duty
Weekly reports to probate judge	of the inspector to make weekly reports to the probate judge of the county of Mobile, of all collection made by him, stating the name of the person from whom such money was received, the number of barrels so paid for, whether the same were taken from public or private beds, and the name of the boat or boats engaged in the catching of such oysters, for which reports and receipts proper forms shall be furnished to such
Duties of probate judge	inspectors by the probate judge of Mobile county, for the cost of which he shall furnish vouchers to the Auditor, who shall allow such vouchers as so much cash in any settlement had with such judge under the provisions of this act; and all moneys so received by the probate judge during any one month shall be transmitted on or before the first day of the next succeeding calendar month to the treasurer of the state and a due report thereof by him made to the state auditor. And
Affidavit	any officer receiving such tax may cause the party paying the same to make and subscribe an affidavit that the money so paid by him is the amount justly due by him to the state up to the date of such payment, and that he has not previously taken from the oyster reefs or beds of this state any oysters subject to said tax which he has not duly reported and paid the
Perjury	taxes on as provided by law; and any false swearing by such person shall be perjury and punishable as such. And if any person refuses to make such oath, and refuses to make full settlement for the oysters so theretofore taken by him, it shall be the duty of the probate judge, after due proof thereof, or on proof of the vio-

lation of the provisions of this act, to revoke such license and cancel the same, and it shall be the duty of the person holding such license to deliver the same up for cancellation. Revoking  
license

SEC. 14. *Be it further enacted*, That it shall be the duty of the owner, master or person in charge of every boat engaged in the business of catching or transporting oysters in or from the waters of the state of Alabama, to carry and to have at all times on said boat while engaged in such business, said license so issued by the probate judge and the same to exhibit to the inspector, deputy inspector, or to any sheriff, constable or police officer, demanding an inspection of the same; *Provided*, that, in case of stress of weather, or for other cause the boat may be temporarily abandoned or laid up, the master or owner of said boat shall have such license about his person or in some place convenient to the then location of the boat so that he can readily exhibit the same to such officer on demand. License to be  
exhibited on  
demand

SEC. 15. *Be it further enacted*, That the inspector, deputy inspector, sheriff, constable, police officer, and officers having like power within the counties of Mobile and Baldwin, shall have the power, and it shall be their duty to arrest with or without process, any person or persons whom they may apprehend in any violation of this statute, and to seize the oysters taken or found in possession of such person in violation of the provisions of this act, together with the boats, drags, seines, cats, tongs, implements and receptacles or things in which said oysters may be taken or held or contained; and, after first securing the same, shall forthwith convey the person or persons so offending before any magistrate or justice of the peace in the county of Mobile, or the mayor of the city of Mobile, if apprehended in said county, or before such official in the county of Baldwin if apprehended in said county, and if such person be found guilty, the said boats, vessels, cats, or other implements, so taken shall be condemned by the trial court to be sold, and shall be forthwith sold, on ten days notice, by the sheriff or constable at public outcry, and the proceeds thereof turned over to the judge of probate of the county in which the said proceedings are taken, who shall transmit the Power to  
arrest  
Oysters, etc.  
to be seized  
and sold  
Proceeds to  
be sent to  
state treasurer

Officers hav-  
ing jurisdic-  
tion

same to the state treasurer. And the officers above named are hereby vested with the jurisdiction concurrent with the city and county courts to try and determine all charges of the violation of any of the provisions of this act, excepting that justices of the peace shall not have jurisdiction to try any person for the violation of section 9 of this act, but shall bind all offenders over to the city court of Mobile county or to the circuit court, as the case may be; and the notice of sale of condemned property herein provided for shall be the same as required for the sale of personal property levied on under execution. And the expenses of keeping any such property shall be payable out of the proceeds of any such sale.

Duty of  
inspector

SEC. 16. *Be it further enacted*, That it shall be the duty of such inspector to reside either at Dauphin Island or Cedar Point, and shall keep a suitable boat to enable him to board vessels and boats catching or transporting oysters, which may be cruising in the oyster beds and reefs of this state, in order that the provisions of this act may be fully complied with by the said inspector. It shall be the duty of the deputy in-

Duty of dep-  
uty inspec-  
tor

spector to reside in the city of Mobile, unless where, by sickness, the inspector shall be unable to perform his duties, in which case the deputy inspector shall reside either at Dauphin Island or Cedar Point, or upon some suitable boat anchored or moored in the neighborhood thereof. And the captain or other person in charge of any boat or any other person, who shall fail to come to and permit his craft to be boarded by such inspector, or who shall in any way obstruct such inspector in the performance of his duty, or shall withhold from such inspector material evidence in reference to the oysters which he may have on board, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding two hundred dollars for the first offense, and for any subsequent offense he shall be fined not exceeding five hundred dollars, and may also be imprisoned in the county jail for not exceeding six months.

Misdemean-  
or; penalty

Duties of in-  
spector and  
deputy

SEC. 17. *Be it further enacted*, That it shall be the duty of the said inspector and deputy inspector, who are also vested with the powers of deputy sheriffs, to



prosecute all persons, who may be charged with violating the provisions of this act, and to report any person or persons known by them, or whom they have reasonable grounds to believe have violated the provisions of this act; and who are given jurisdiction to investigate and try such offenders; if they believe probable cause exists, shall issue a writ for the arrest of such person and the seizure of the oysters illegally taken and of the boats and other property used by such offender so unlawfully taking oysters, and the inspector or deputy inspector shall make such arrest and seizure, or the same may be made by any of the officers named in section 16 of this act.

SEC. 18. *Be it further enacted*, That in all cases tried before a justice of the peace under the provisions of this act, the party so tried shall have the right of appeal to the circuit court of Mobile or Baldwin county, or to the city court of Mobile county as in cases of criminal prosecution triable before justices of the peace.

Trials before  
justice of  
the peace

SEC. 19. *Be it further enacted*, That where a prosecution shall be commenced and prosecuted to a conviction upon the information or complaint of any private person, and the officer or judge so trying the case shall so certify on his docket, then, and in that event the said prosecutor shall be entitled to one-half the fine and to one-half the proceeds of the property forfeited and sold, which shall be paid over to him by the officer collecting the same, upon the order of the magistrate or judge trying said case.

One-half fine  
etc., to pros-  
ecutor

SEC. 20. *Be it further enacted*, That it shall be unlawful for any person to purchase or transport from any of the oyster beds or reefs in the tide-waters of this State, when removed from such beds or reefs during the time prohibited, or in manner contrary to the provisions of this act; and such person offending shall, on conviction, be fined not exceeding five hundred dollars for the first offense, and may for any subsequent offense, in addition to such fine, be imprisoned in the county jail for not exceeding six months. And nothing in this section contained shall make it unlawful for any vessel or boat to come to anchor upon any private oyster bed for a reasonable length of time; dependent upon the occasion and circumstances of such anchorage;

Purchasing  
or transport-  
ing during  
time prohib-  
ited

Penalty

Anchoring  
on oyster  
beds nor shall any person lawfully engaged in the work of internal improvement be held guilty of an offense for disturbing any such oyster beds or otherwise interfering therewith while lawfully engaged in the prosecution of such work.

Time of  
action SEC. 21. *Be it further enacted*, That all prosecutions for the violation of any of the provisions of this act shall be commenced within twelve months from the date of the offense and not afterwards.

Duties of  
inspectors SEC. 22. *Be it further enacted*, That it shall be the duty of the inspector and deputy inspector, when overhauling a boat or vessel, and demanding that they shall "come to" in order that he may board the same, to exhibit a red flag or penant having thereon, in white, the letters "O. I." and to have upon the stern of his boat, or other conspicuous place, in such way as not to violate the navigation laws of the United States, the words "State Oyster Inspector." And it shall be unlawful  
acts for any other person than the inspector or deputy inspector to use such a flag, penant, letters or words upon such boat, or to personate such inspector or deputy inspector, and any persons violating the provisions of this section shall, on conviction, be fined not exceeding one hundred dollars for the first offense and not exceeding five hundred dollars for any subsequent offense.

Penalty

Unlawfully  
taking oys-  
ters larceny SEC. 23. *Be it further enacted* That any person other than the owner, or some one duly authorized by the owner in the premises, who shall knowingly and willfully take any oysters from any private bed in this state and carry the same away, with the intent to convert the same unlawfully to his own use, shall be guilty of larceny, and may, on conviction thereof, be punished accordingly. And any person who shall unlawfully  
Trespass commit any trespass upon, or do anything to injure any private oyster bed, shall be liable to the owner for three times the amount of the actual damage sustained by him, and may also be prosecuted for willful trespass, and on conviction may be fined not exceeding one hundred dollars for the first offense, and not exceeding five hundred dollars for any subsequent offense.

Penalty

Power to em-  
ploy boat-  
men SEC. 24. *Be it further enacted*, That said oyster inspector shall have the power to employ a competent boatman to assist him whenever he may deem it nec-

essary at a salary of thirty-five dollars per month, which shall be paid in the same manner as the salary of said oyster inspector. Said boatman shall be under the control of the oyster inspector, and he shall have the power to remove or discharge him at pleasure.

SEC. 25. *Be it further enacted*, That it shall be the special duty of the sheriff and of his deputies to assist the inspector and deputy inspector in the enforcement of the oyster laws of this state in case it shall be necessary so to do, and to arrest any person or boat engaged in violating said laws; to summon all persons in the county necessary to assist him in the premises, and it shall be the duty of the governor of the state, whenever it shall become necessary so to do, to order out the military of the state to aid in the enforcement of said laws; and, where necessary, it shall be his duty to hire a boat or boats and to provide the same with necessary guns and armament, and the same to put in command of some discreet officer of the state troops, or of the sheriff of one of the tide-water counties, as he may deem best for the proper and discreet enforcement of the law.

Duties of  
sheriff

Duty of  
governor

SEC. 26. *Be it further enacted*, That unless otherwise provided in this act, any one convicted of the violation of any of the provisions of section 2 of this act, shall be fined for the first offense not less than three nor more than five dollars a barrel for every barrel of oysters so illegally taken or transported or shipped in violation of the terms of said section, and for each subsequent conviction, not less than five nor more than ten dollars for each barrel of oysters so illegally taken, transported or shipped. And any person violating the provisions of section 3 of this act shall, on the first conviction, be fined not less than three nor more than five dollars a barrel for each barrel, or fraction of a barrel, so illegally taken, removed or transported, and upon each subsequent conviction shall be fined not less than five nor more than ten dollars a barrel. And any person violating the provisions of sections 5 or 14 of this act, shall, on the first conviction, be fined not less than ten nor more than fifty dollars, and for each subsequent conviction not less than twenty-five nor more than two hundred dollars. And all persons violating the

Penalties

provisions of section 8 of this act, shall, for the first conviction, be fined not less than two nor more than five dollars per barrel, and for each subsequent offense not less than five nor more than ten dollars per barrel for each barrel of oysters so illegally removed from said beds. And any person who shall engage with a boat in the catching or transportation of oysters without first taking out a license as provided in section 9 of this act, and who shall, where a license has been taken out, fail to have the number of his boat or vessel painted thereon, and on the sail thereof, or on the smokestack thereof, as required by said section, or who shall, knowingly and willfully, carry or have on board more oysters than such boat is licensed to carry or have on board, shall, upon the first conviction, be fined not exceeding two hundred dollars, and for each subsequent offense and conviction, shall be fined not less than one hundred nor more than one thousand dollars; and on the third conviction of any such person for such offense the boats, furniture, implements and other property on said boat, or used by it in catching or handling oysters, shall be forfeited and sold under order of court, and the money received therefrom paid into the probate court and shall be by the probate judge transmitted to the state treasurer, as in cases herein provided.

SEC. 27. *Be it further enacted*, That this act shall go into effect and be in force on and after its passage.  
Approved February 18, 1891.

429]

AN ACT

[s. 262

To extend the corporate limits of the City of Montgomery, in the State of Alabama, and to provide for dividing said limits into wards.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporate limits of the city of Montgomery shall be and are hereby extended so as to include the following described territory adjacent to said corporate limits and being in the county of Mont-

gomery, to-wit: Beginning at the present corporate limits or line on the east side of what is now known as Oak street, thence along the east side of said Oak street to the north side of what is now known as Day street, thence east along the north side of said Day street to the east side of what is now known as Mobile street, thence in a southerly direction along the east side of said Mobile street to the north side of what is now known as Grady street, thence east along the north side of said Grady street to Plank street, thence south along said Plank street to the line dividing the property of the estate of William R. Westcott, deceased, and the property of Meham, said line being nine hundred and ninety (990) feet south from the center line of Jeff Davis avenue, thence north eighty-five degrees east along said line to and across Goode street to what is now called Hannon street, thence along said Hannon street to the west side of the extension of South Court street, thence along the west side of said extension of South Court street two hundred and ninety-four and 70-100 (294.70-100) feet to the south line of the Copeland property as marked by the fence now there, the said south line being six hundred and ninety-nine (699) feet from the center line of said Jeff Davis avenue, thence east along said south line to the west side of the extension of South Perry street, thence north along the west side of said extension of South Perry street to the present corporate limits or line; also, beginning at the present corporate limits or line on the east side of the extension of South Union street at Scott street, thence south along the said east side of said extension of South Union street to the north side of the extension of High street, thence east along the north side of said extension of High street to the west side of the extension of South Ripley street, thence north along the west side of the extension of South Ripley street to the southwest corner of the property of Ignatius Pollak, said southwest corner being six hundred and twelve (612) feet south from the centre of Adams street, thence north eighty-six degrees and thirty minutes, east (86° 30 E) to what is now called Eugene street, thence east along the north side of said Eugene street to the west side of what is now called Smythe street, thence

Corporate  
limits

north along the west side of said Smythe street to and across what is now called Houston street to the west side of what is now called Garrison street, thence north along the west side of said Garrison street to the south side of Pelham street, thence west along the south side of said Pelham street to the present corporate limits or line on Hilliard street.

SEC. 2. *Be it further enacted*, That the territory herein added to the corporate limits of said city of Montgomery shall, in all respects, be subject to and governed by the provisions of the charter of said city, and the laws amendatory thereof, and to such laws as may be hereafter enacted touching or affecting said city; and the city council of Montgomery is hereby authorized and empowered to add said new territory to the several wards of said city in such manner as said city council may deem proper, by ordinance or ordinances in that behalf duly adopted, and to prescribe the number and limits of such wards, and to change and alter the same from time to time hereafter as said city council may deem proper.

To be added  
to wards, etc

SEC. 3. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

430]

AN ACT

[s. 458

To authorize railroad companies chartered under the laws of the State of Alabama, whose capital stock is owned by a railroad corporation chartered under the laws of another state, to sell to such corporation owning its stock all of its property, roadbed, rights and franchises.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases in which all of the capital stock of a railroad company chartered under the laws of the State of Alabama is owned by a railroad company chartered by the laws of another state, it shall be lawful for such railroad company in this state to

Railroad  
companies  
may sell all  
their prop-  
erty, etc



sell and convey to such railroad company owning its stock, all of its property, roadbed, rights and franchises; *Provided*, that said company purchasing said railroad shall keep an office and an agent in the State of Alabama, and that said railroad so purchased shall be in all respects subject to the laws of Alabama as if owned by a domestic corporation; *And provided further*, that all liens on such railroad, and the rights of creditors, shall be preserved unimpaired.

Shall keep  
office and  
agent in state

Approved February 18, 1891.

431]

AN ACT

[H. 470

To amend an act entitled an act for the preservation of game animals and birds in the counties of Tuscaloosa and Calhoun, approved February 27th, 1889, so far as the same applies to Tuscaloosa county, Crenshaw county, Lee county and Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act for the preservation of game animals and birds in the counties of Tuscaloosa and Calhoun," approved February 27th, 1889, be amended so far as the same relates to Tuscaloosa county and the counties of Crenshaw, Lee and Calhoun, so as to read as follows: Section 1. That it shall be unlawful at any place in the county of Tuscaloosa and the counties of Crenshaw, Lee and Calhoun to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the first day of March and the first day of October; and it shall be unlawful to catch, kill or injure or pursue with such intent, any wild turkey between the fifteenth day of April and the first day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any quail, sometime called partridge, between the fifteenth day of April and the fifteenth day of September; and it shall be unlawful to catch, kill or injure, or pursue with such intent any turtle dove, sometime called mourning dove, between the first day of April and the fifteenth day of July.

Protection of  
game

- SEC. 2. *Be it further enacted*, That it shall be unlawful in any place in said county for any person to Robbing nests destroy or rob the nest of any wild bird whatever, except crows, black birds, blue jays, thrash, english sparrows, hawks, owls, and other birds of prey.
- SEC. 3. *Be it further enacted*, That it shall be unlawful in any place in said counties for any person to Purchasing or offering for sale purchase or expose for sale, any of the birds or game mentioned in the first section of this act, during the seasons when the catching, killing or injuring the same is prohibited.
- SEC. 4. *Be it further enacted*, That it shall be unlawful for any person or persons who are non-residents of the counties named in this act, to engage in what is known as camp hunting within the county of Tuska-loosa and the counties of Crenshaw, Lee and Calhoun; *Provided*, that the provisions of this section shall not apply to persons non-residents of said county hunting while guests of bona fide residents of said county.
- SEC. 5. *Be it further enacted*, That any person or Misde-meanor persons violating the provisions of this act, by catching, killing or injuring, or pursuing with such intent, any of the birds or game mentioned in the first section of this act, or robbing any birds nest mentioned herein, or camp-hunting, shall for such violation thereof, be deemed guilty of a misdemeanor, and on conviction thereof, shall forfeit and pay a fine not less than three nor more than twenty dollars.
- SEC. 6. *Be it further enacted*, That any violations of the provisions of this act may be prosecuted before Courts hav-ing jurisdic-tion any justice of the peace, or any other officer, or court having jurisdiction of misdemeanors in said counties, and the judgment of said court shall be enforced in like manner as in other criminal cases, with like right of appeal.
- SEC. 7. *Be it further enacted*, That it shall be the Duty of officers to arrest the duty of sheriff, constable, police officers and justices of the peace to arrest all persons violating any of the provisions of this act, and take them before the proper officers having jurisdiction, to hear and try the complaint for the violation of any of the provisions of this act; *Provided*, that the provisions of this act shall apply to the counties of Crenshaw, Lee and Calhoun.
- Approved February 18, 1891.

432]

AN ACT

[H. 937

For the relief of the Ladies Memorial Association of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of ten thousand dollars (\$10,000,) is hereby appropriated out of any funds in the treasury not otherwise appropriated, payable to the order of the president of the Ladies Memorial Association of Montgomery, to assist in completing the Confederate monument in that city; *Provided*, that five thousand dollars of said sum shall be paid in the year 1891, and five thousand dollars in the year 1892.

Approved February 18, 1891.

433]

AN ACT

[H. 628

To authorize the mayor and aldermen of the City of Girard to establish a system of public schools in said city.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and aldermen of the city of Girard, in the county of Russell, are hereby authorized and empowered to establish a system of public schools in said city.

SEC. 2. *Be it further enacted*, That the public schools of said city of Girard shall be under the charge of a board of education, to consist of five trustees who shall be amenable to mayor and aldermen for their acts. Said board shall be elected by the mayor and aldermen, one member of said board retiring each year, and all vacancies to be filled by mayor and aldermen. And there shall be appropriated for school purposes, twenty per cent. of gross receipts of the city (road tax excepted), by said board of mayor and aldermen.

SEC. 3. *Be it further enacted*, That each member of said board of education shall upon his induction into office, subscribe an oath of affirmation to faithfully discharge all the duties enforced upon him as a mem-

ber of said board. Such oath may be administered by the mayor of said city.

School houses, etc      SEC. 4. *Be it further enacted*, That said board of education shall have power to build upon the property of the city, suitable houses for the use and accommodation of the public schools of said city, or the said board may rent such houses; said board shall keep such houses in proper repair, and shall furnish the same with appropriate furniture and apparatus.

Duties and powers of board      SEC. 5. *Be it further enacted*, That said board of education shall open a sufficient number of schools to meet the wants of the population of the city of Girard, and said board shall elect a city superintendent of said schools, the principals thereof, and all teachers, fix their compensation and prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text-books, the organization classes, and the method of teaching, and shall prescribe rules and regulations for the government of the schools. Said board shall have and exercise such other powers as may be necessary to give it complete control of public schools of said city.

Diplomas      SEC. 6. *Be it further enacted*, That said board of education shall issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public schools of said city.

Rules, etc      SEC. 7. *Be it further enacted*, That the plan of instruction and the rules and regulations adopted by said board shall be adhered to, unless altered by a vote of two-thirds of said board.

Children entitled to seats      SEC. 8. *Be it further enacted*, That the children and wards of actual residents, within the corporate limits of the city of Girard, from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of said city; *Provided*, that such children shall themselves be bona fide residents of said city, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe; *Provided*, that separate schools shall be provided for the children of citizens of African descent.

SEC. 9. *Be it further enacted*, That the board of

education shall have power to charge in the several grades of said schools such incidental fees as may be deemed necessary for the proper conduct of said schools.

Incidental  
fees

SEC. 10. *Be it further enacted*, That it shall be the duty of said board of education, before the first Monday in April in each year, to prepare and file with the mayor of Girard, an estimate of the money that will be required for the maintenance of the public schools of the city for the succeeding scholastic year, and for the erection and repair of the necessary school buildings, and the board of mayor and aldermen of said city may make provision to supply the funds required in said estimate from any surplus money on hand.

Estimate of  
money re-  
quired

SEC. 11. *Be it further enacted*, That all funds devoted to public school purposes in the city of Girard, whether derived from the state, county or city, shall be paid into the treasurer of said city as a separate school fund and shall be disbursed in such manner as the board of education may direct; that not more than four per cent. of the money derived from the state, shall be used otherwise than for the payment of teachers employed in such schools.

School fund

SEC. 12. *Be it further enacted*, That the public schools established in conformity to this act, shall be entitled to the proportional share of the state school fund according to the number of children in the corporate limits of said city, of the educational age, and also to the whole amount of poll tax collected in said city.

State school  
fund

SEC. 13. *Be it further enacted*, That it shall be the duty of the board of education, herein provided for, to take or cause to be taken, the enumeration of the children within the educational age in the corporate limits of said city, and report the same to the county superintendent of education of Russell county, and to the superintendent of education for the state, at the times and under the rules now provided by law for the government of township trustees. And the state superintendent shall apportion, and the county superintendent shall pay to the proper officer the proportionate part of the public school fund, to which said city shall be entitled as herein provided for.

Examination  
of children

Apportion-  
ment of  
school fund

SEC 14. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

434]

AN ACT

[H. 308

To fix the compensation of the sheriff of Calhoun county for ex-officio services.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Calhoun county are hereby authorized and required to increase the ex officio pay of the sheriff of Calhoun county to the sum of five hundred dollars (\$500.00) to be paid quarterly out of the county treasury as now required by law.

Pay of sheriff  
for ex-officio  
services

Approved February 18, 1891.

435]

AN ACT

[S. 117

To establish the "City Court of Gadsden."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established in and for the county of Etowah an inferior court of law which shall be called the "City Court of Gadsden," which court shall have and exercise all the jurisdiction and powers which now are or may hereafter be by law conferred on the several circuit courts of the state, and shall conform to the rules of procedure and practice in the circuit courts of the state, except where the rules of procedure and practice are changed by this act; *Provided*, that the presiding judge of said court shall have power to make and adopt such rules of practice not inconsistent with the general rules of practice of the statutes of Alabama as may be required by a proper system of city practice and amend the same as may be expedient. Such rules shall be entered of record.

Name of  
court, juris-  
diction and  
powers

Rules of  
practice



upon the minutes of said court, and the same may be changed or amended by the supreme court of the state. That the jurisdiction of said court shall extend over the entire county of Etowah.

SEC. 2. *Be it further enacted,* That a judge for said city court of Gadsden shall be appointed by the governor of the state within fifteen days after the approval of this act, whose term of office shall be four years from the date of his appointment, and in like manner such judges' successor, shall be appointed every four years thereafter. The judge so appointed by the governor as herein provided shall take the oath of office required by law to be taken by the judges of the circuit courts, and shall be removed from office for the same causes and in the same manner as the judges of the circuit court. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by judges of the circuit courts, including authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exeat, and all other remedial writs returnable to any court in the state.

Judge appointed by governor

Judge; duties, jurisdiction, and powers of

SEC. 3. *Be it further enacted,* That the judge of said city court shall be a citizen of Etowah county at the time of his appointment, and during his continuance in office shall reside in the county of Etowah, and at the time of his appointment shall have been a citizen of the state for the period of five years next preceding his appointment and shall not be less than twenty-five years of age, and learned in the law. Vacancies in the office of the judge of said city court shall be filled by the governor and the person so appointed shall hold said office during the unexpired term of his predecessor, and until his successor shall be appointed and qualified.

Qualifications of judge

Vacancies

SEC. 4. *Be it further enacted,* That the clerk of the circuit court of the said county of Etowah shall be ex-officio clerk of said city court of Gadsden; but before entering upon the duties of said office of ex-officio clerk, he shall take the oath of office required by law, to be taken by clerks of the circuit court; and shall give bond and security to be fixed and approved by the judge of said city court in a sum, not less than

Clerk; duties of, etc

five thousand dollars, which must be payable, conditioned and recorded as required by law for bonds of clerks of the circuit courts; said clerk, upon taking said oath and giving said bond shall, for and during the term he holds the office of clerk of the circuit court have all the powers and perform all the duties of said clerk of the city court which may be lawfully exercised and performed by clerks of the circuit court in this state. His fees shall be the same as those allowed by law in like cases to clerks of the circuit courts; and he shall be subject to the same liabilities and penalties in like cases provided by law for such clerks of the circuit courts. Said city court shall adopt and keep a seal, which shall be in the custody of said clerk.

City court ;  
where held,  
term of, etc

SEC. 5. *Be it further enacted*, That said city court shall be held, and the office of the clerk and the records thereof, shall be kept at the court house of said county of Etowah; said court shall hold two regular terms in each year, and may continue in session until the business thereof is disposed of. Special terms may also be held when in the opinion of the judge of said court they shall be necessary for the proper transaction of business, of which term twenty days notice shall be given in some newspaper in the county of Etowah. Regular terms of said court shall be held on the first Mondays in January and July in each year, and shall continue open until thirty days before the first day of the next term thereafter.

Time in  
which de-  
fendant shall  
appear

SEC. 6. *Be it further enacted*, That in all cases commenced in said court by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time or vacation; and in all cases at law commenced by attachment the defendant shall appear and demur or plead within thirty days after the levy of the attachment and service of notice thereof, or in case the suit is against a non-resident or other person upon whom service may be had by publication within thirty days after service is perfected by such publication; and in all other cases at law the defendant must appear and plead or demur

within thirty days after perfection of service upon him; and in all cases at law whether commenced by summons and complaint, attachment or otherwise, any defendant failing for more than thirty days after service has been perfected upon him to appear and demur or plead, shall be held to be in default and at any time thereafter judgment by default, on motion of the plaintiff, may be rendered against him; *Provided, however*, that the court may for good cause shown allow such judgment so obtained by default to be set aside and demurrer or pleas to be filed on such terms as the court may think just, but no application to set aside such judgment unless it be for some reversible error committed in the rendition thereof shall be entertained by the court unless accompanied by an affidavit by the defendant, or his agent or attorney, to the effect that in the belief of the affiant the defendant has a lawful defense to such suit.

SEC. 7. *Be it further enacted*, That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof, and upon the failure of any garnishee to make answer within such thirty days, he shall be deemed in default, and a judgment nisi may be rendered against him upon motion of the plaintiff if the plaintiff is otherwise entitled to such judgment nisi; and unless otherwise ordered by the court, all citations, rules, scire facias and notices issuing from said court shall require the party against whom they are issued to appear and plead within thirty days after the service thereof, or if the citations or notices are to be given by publication, within thirty days after the perfection of service by publication, and all cases whether commenced by summons and complaint, attachment or otherwise, shall be deemed and taken to be at issue, and triable upon the appearance of the defendant and his pleading to the plaintiff's complaint, petition or other pleading, or if he does not appear within thirty days after the perfection of service upon him at the end of such thirty days.

Garnish-  
ments; time  
in which an-  
swer requir-  
ed

SEC. 8. *Be it further enacted*, That subpoenas for witnesses shall be executed instanter, and returned immediately upon execution thereof, by the officer

Witnesses  
and their  
fees

executing the same; and all witnesses in attendance upon said court must prove their attendance within five days after the disposition of the cause for the term, or the termination of the trial of the cause, whether civil or criminal, in which they were subpoenaed or called to testify; and unless they prove their attendance within that time, their fee shall not be taxed as cost, nor shall they be recoverable against either party.

Execution of  
papers, etc

SEC. 9. *Be it further enacted*, That all original and mesne process, notices, citations and scire facias issuing from said court shall be executed instanter, and, unless otherwise provided by this act, shall be returned immediately upon execution thereof by the officer executing the same.

When appeal  
causes stand  
for trial

SEC. 10. *Be it further enacted*, That all appeals or certioraris in civil causes taken to said city court from the judgments of justices of the peace, or other inferior courts in the county of Etowah, shall stand for trial, when reached on the regular call of the docket, at any time after ten days notice of the suing out of such appeal or certiorari shall have been given the adverse party as required by law.

Solicitor of  
city court

SEC. 11. *Be it further enacted*, That immediately after the passage and approval of this act, there shall be elected a solicitor for said city court by a joint ballot of the general assembly, whose term of office shall continue for four years, and until his successor shall be elected and qualified, which shall be done in the same manner at the end of each four years thereafter. Such solicitor shall be learned in the law, and at the time of his election shall be a citizen of Etowah county, and shall so remain during the continuance of his term of office; and said solicitor shall be charged with the performance of the same duties in the said city court, and subject to the same liabilities and penalties in respect thereto, as are by law imposed upon circuit solicitors in like cases in the circuit courts of this state, and said solicitor shall receive for his compensation for such service the same fees as are taxed by law for solicitors in criminal cases in the circuit courts of this state, to be taxed and collected in said city court in the same manner as such fees are

taxed and collected in said circuit courts : *Provided, however,* that the total fees paid said solicitor shall not exceed fifteen hundred dollars per annum ; and the balance collected over and above said amount of fifteen hundred dollars shall be paid to the state, the as fees of circuit solicitors are now paid ; that the solicitor of said court shall have a claim against the fine and forfeiture fund of said county for his fees in cases where convictions are secured, and the fees cannot be collected ; *Provided,* that he shall have such claims only in case the aggregate amount of salary in fees received by him for any one year shall fall below the fifteen hundred dollars, and for the purpose of making up the deficit in his salary to him, which shall be paid as other claims against said fund.

SEC. 12. *Be it further enacted,* That grand jurors and petit jurors for the trial of causes in said court shall be drawn, summoned and impaneled in the same manner as is now or will hereafter be provided by law for drawing, summoning and impaneling jurors in the circuit court of Etowah county, and venires for such jurors shall be issued thirty days before the day upon which said jurors are drawn to serve, and in the same manner as they are issued in and for the circuit court, and the said city court shall have the same power as the circuit court to order special venires and to summon, swear and impanel tales jurors ; *Provided,* that the judge of said city court shall have the power to direct for what weeks of the term, petit jurors shall be drawn and summoned ; *Provided further,* that the juries for trial of capital cases, shall be drawn, summoned, and impaneled as now provided by law, for the drawing, summoning, and impaneling of juries for the trial of capital cases in the circuit court of said county of Etowah. The challenge of jurors in any case shall be the same as now provided by law, and all laws applicable to jurors and juries in the circuit court of said Etowah county shall apply equally to this court except as otherwise provided in this act.

Grand and  
petit jurors

SEC. 13. *Be it further enacted,* That in all civil causes at law in said city court the issues and questions of fact shall be tried by the court without the inter-

Trials by jury

vention of a jury unless a jury be demanded by the plaintiff in writing at the commencement of the suit or when the cause is at issue, or by the defendant or garnishee by endorsing such demand in writing upon the demurrer, plea, answer, or other pleading filed by him; and when a cause is transferred to said city court, the demand for a jury shall be made in writing and filed in the cause at the time of the application for said transfer; and in all civil causes brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals in which the amount in controversy exceeds twenty dollars, the issues and questions of fact shall be tried by the court without a jury as in cases where the amount in controversy is less than twenty dollars, unless a demand for a trial by jury be made in writing and filed in the cause by the party taking the appeal at the time he takes the same, or by the opposite party within ten days after he has been served with notice of the appeal. A failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury; *Provided*, that when a cause shall have been tried in said city court without the intervention of a jury, and a new trial given by the court, or when the same shall have been reversed and remanded by the supreme court, that either party in said case may demand a jury before first call of said cause for trial after said reversal; *And, provided further*, that the party so demanding a trial by jury shall deposit with the clerk of this court four dollars as a jury tax fee.

Questions presented to supreme court

SEC. 14. *Be it further enacted*, That in the trial of any cause at law, either civil or criminal, without a jury in said city court, in addition to the questions which may be, under existing laws, presented to the supreme court for review, either party to the civil cause or the defendant in the criminal cause, may, by bill of exceptions, also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceed-



ings in the said city court, as the supreme court shall deem right.

SEC. 15. *Be it further enacted*, That the venue in any cause in said city court may be changed to other counties than Etowah, under the same rules and regulations as govern changes of venue in the circuit courts of this state. Civil causes now pending in the circuit court of Etowah county may be transferred to said city court on the application of either party therein; and civil causes that may hereafter be brought to, or may hereafter be pending in the said circuit court may, by consent of parties, be transferred to said city court upon the making of said order of transfer as above required, and the payment to the clerk of said court the fees allowed by law for making and certifying the transcript hereinafter required; all the papers, pleadings, depositions and other papers, writings pertaining to said causes, together with a certified transcript of all minute entries made therein in the said circuit court of Etowah county, shall be forthwith transferred and filed in the said city court.

Change of  
venue

Transfer of  
causes

SEC. 16. *Be it further enacted*, That appeals and writs of certiorari may be taken to said city court from inferior courts in the county of Etowah in all cases where appeals may, under the law now or hereafter existing, be taken from inferior courts to the circuit court of said county and in the same manner; and justices of the peace of said county of Etowah and all other officers authorized by law to bind persons over to answer indictments to be preferred by the grand jury of the circuit court of said county, may bind any person over for his appearance to answer an indictment for any charge to be preferred by the grand jury of said city court, and the officer so binding over said person must, within ten days thereafter, deliver to the clerk of said court all the original papers, including bail-bond, if any, together with a certified transcript of the proceedings before him.

Appeals to  
city court

Binding over  
persons to  
answer in-  
dictments

SEC. 17. *Be it further enacted*, That the supreme court shall have appellate and supervisory jurisdiction over said city court, and cases may be appealed or removed to said supreme court in the same manner and under the same rules that cases are appealed or removed to said supreme court from the circuit courts of

Appeals to  
supreme  
court

the state; and the appellate and supervisory jurisdiction of the supreme court over said city court, or the judge thereof, shall be exercised in the same manner as in like cases it is exercised over the circuit courts or the judges thereof.

Salary of judge  
SEC. 18. *Be it further enacted*, That the salary of the judge of said city court shall be two thousand dollars per annum, and the same shall be payable quarterly out of the treasury of the county of Etowah upon the order of the said judge, and the same shall be a preferred claim against said county, and receivable in payment of taxes due the same.

Adjournments  
SEC. 19. *Be it further enacted*, That there may be temporary adjournments of said city court during the terms thereof, such as may be deemed expedient and proper by the judge of the same.

Duties of sheriff  
SEC. 20. *Be it further enacted*, That the sheriff of said county shall be in person or by deputy required to attend said city court, preserve order and execute and return its process, and perform such other duties in all respects as in the circuit courts of the state, and he shall furnish all other such subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do under the laws governing him as officer of the circuit courts of this state. The fees of the officers of said city court for services rendered and the compensation of jurors and witnesses therein shall be the same as are or may be allowed for like services in the circuit courts of this state, and payable in the same manner; and such officers, jurors and witnesses shall be subject to the same penalties and liabilities as when acting under the authority of the circuit courts of this state. The judge of said city court shall have the power and authority to appoint a solicitor pro tempore in case of the absence or disqualification of the solicitor of said court, who for the convictions under his prosecutions shall be entitled to the same fees as the solicitor of this court. That when a solicitor pro tempore is appointed, the amount of the fees collected by him shall be deducted from the salary of the regular solicitor.

Fees

Solicitor  
pro tem

SEC. 21. *Be it further enacted*, That after ten days from the rendition of any judgment in said court, un-

less said judgment direct otherwise, the clerk of said court unless ordered not to do so in writing entered upon his order book to be kept for that purpose, and signed by the person entitled thereto, his attorney or agent, shall issue execution, venditioni exponas, or other writ ordered by said judgment, in term time returnable to the next term of said court; *Provided*, that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately as now provided by law; *Provided further*, that unless executions have been otherwise issued they shall be issued and returned as now provided by law in the circuit courts of Etowah county; *And provided further*, that nothing herein contained shall prevent the superseding of executions after issuance of the same upon filing bond as now required by law.

Issuing executions by clerk

SEC. 22. *Be it further enacted*, That the fines and forfeitures accruing in said city court shall be payable only in money and shall be collected in the same manner as fines and forfeitures are now collected in the circuit courts of this state, and shall be paid to the clerk of said court and by him shall be paid, together with said jury tax fees, into the treasury of said Etowah county; said jury tax fee to be placed in the general fund of said county, and the amounts arising from fines and forfeitures to be placed in the fine and forfeiture fund of said county, and shall make such payments quarterly, commencing April 1st, 1891, and on the 1st day of July and October 1891, and January 1892, and on such days in each year thereafter the clerk of said city court shall make a report in writing under oath, to the county treasurer of said Etowah county, showing the number of convictions, the offense for which each was convicted, the fine assessed against each, the number of forfeitures taken, the amount of jury tax fees, and the amount of solicitors fees, taxed together with the items and the amounts collected in each case, and the disbursements of same which have accrued in said city court during the quarter preceding, and shall at such terms pay over to said treasurer all such money coming from either source above mentioned, which shall then be in his hands.

Duties of clerk as to receipts by him

Laws appli-  
cable to city  
court

SEC. 23. *Be it further enacted*, That all laws of a general nature now in force, or that may be hereafter enacted, giving jurisdiction to the circuit courts, shall be held to extend and apply to the said city court, although the said city court may not be mentioned therein, unless the contrary be expressly provided, and unless they are contrary to the provisions of this act, or to the rules of practice, which the judge of said city court may adopt under this act.

Misdemean-  
ors by ap-  
peal

SEC. 24. *Be it further enacted*, That all cases of misdemeanors by appeal from justices of the peace or other courts of said county to said city court shall be tried upon the complaint of the solicitor, filed in the cause, which complaint shall be in the form, and of such sufficiency as required by law, and shall be subject to amendment.

Trial of mis-  
demeanors  
without jury

SEC. 25. *Be it further enacted*, That misdemeanors in said court shall be tried by the judge thereof without a jury, unless a trial by jury be demanded, and the failure to make such demand shall be held a waiver of trial by jury.

Indictments  
in circuit  
and city  
courts

SEC. 26. *Be it further enacted*, That when a person has been indicted in the said city court, the circuit court of said county shall not entertain jurisdiction of the offense, and when such indictment has been made in the circuit court, the city court shall not entertain jurisdiction of such offense; and it shall be the duty of the solicitor of said city court, in the prosecution of offenses, to notify the circuit solicitor of indictment and prosecution commenced in said court.

Final judg-  
ments

SEC. 27. *Be it further enacted*, That final judgments rendered in said court shall after the expiration of ten days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of the court at which said judgments are rendered had ended, at the end of said ten days; *Provided however*, that nothing herein contained shall prevent parties from applying for new trials or rehearings within the said ten days, or destroy, or change the effect of motions for new trials, or rehearings when so made, or shall prevent parties from applying to said court for a rehearing under the statute authorizing applications for rehearing in the circuit court, or shall

prevent the court from retrying any case under section 2871 of the Code of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments.

SEC. 28. *Be it further enacted,* That in all civil cases this court may sit down any cases for hearing on the pleadings alone and render judgment or judgments thereon, and from which judgment or ruling an appeal lies to the supreme court to be taken within thirty days after the rendition of such judgment, but nothing herein contained shall prevent an assignment of error on such judgment on appeal taken after the final determination of the cause if appeals are not taken under this section.

Hearing on  
pleadings  
alone

Appeal to su-  
preme court

SEC. 29. *Be it further enacted,* That it shall be the duty of the clerk of said city court to procure the necessary and suitable books of record, and stationery and furniture for preservation of books and files of said city court, at the expense of said county of Etowah, to be paid by the treasurer upon the order of the commissioners court of said county.

Clerk to pro-  
cure supplies  
for office

SEC. 30. *Be it further enacted,* That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Laws in con-  
flict repeale

Approved February 18, 1891.

436]

AN ACT

[s. 58

To amend the charter of the City of Montgomery, and the various acts amendatory thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 6 of an act entitled "An act to amend the charter of the city of Montgomery, and the various acts amendatory thereof," approved February 28, 1889, be amended so as to read as follows: Section 6. The city council of Montgomery shall have the power to preserve the peace and good order of the city; to prevent contagious and infectious diseases from being introduced into said city; to ordain all regula-

Charter  
amend

Health

tions necessary for an effective quarantine, and to enforce the same within ten miles of the corporate limits of said city; to maintain its cleanliness and health, and to this end to adopt and provide an efficient system of sewerage; to provide for the inspection and cleanliness of all places likely to be or become detrimental to health; to adopt such ordinances as shall be deemed by the city council necessary or expedient for the protection of health, and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and private premises of said city. They may also prescribe the manner in which drainage from private premises may be disposed of, and shall have power to describe the manner in which water closets shall be constructed, and forbid the use of the same while out of order or defective, and may discontinue and forbid the use of sinks, pits, dry wells, etc., and may regulate and compel connection of private and public premises with the sewer system of said city, and in the police jurisdiction thereof; and may regulate said connections as they may deem best for the health of said city; to prevent the owners of property in the city or within the police jurisdiction thereof from having or permitting pools or ponds of stagnant water thereon, and to cause the same to be removed at the cost of the owner; and to suppress all nuisances at the expense of the person causing the same, or upon whose premises it is found, on public or private property, and may enter upon private property for the purpose; to control and regulate slaughter houses, and confine the same within specified limits within the police jurisdiction of the city, and to provide for the weighing and herding outside of the city of all live stock intended for slaughter, and to prevent the same from being driven through the streets of the city; to prevent the sale of adulterated or decayed food and adulterated drinks; to establish, open, alter, widen, extend, grade, cut down, fill in and pave, or otherwise alter and improve all streets, avenues, side-walks, alleys, and wharves, public grounds and squares, and to provide for the payment of the costs and expenses thereof in a manner not inconsistent with the provisions of this charter; and also to provide for lighting, sprinkling,

Streets, side-  
walks, etc



cleaning and repairing the same; and to condemn private property for the public use of said city as provided in this charter and the acts amendatory thereof; to construct and keep in repair all bridges, sewers and drains, and to regulate the use thereof, and to confine, wall up, cover over, alter or change the channel of any water course; to establish, or purchase and maintain water works, or contract for the furnishing of water for fully supplying the city and its inhabitants with wholesome water, and to regulate the manner and rates of furnishing water to private consumers; to establish and maintain a fire department, and to regulate the same, and provide for the election of its officers; to establish or purchase and maintain gas and electric works, or contract for the furnishing of gas and electricity for fully supplying the city and its inhabitants, and to regulate the manner and rates of furnishing of gas and electric lights to private consumers; to organize and maintain free public schools; to regulate public cemeteries; to prescribe and collect the wharfage dues, erect buildings or other improvements on the wharves, and to lease and farm out such wharves and buildings, or parts thereof, for a period not exceeding ten years, to such persons and on such terms as the city council may determine; to compel the owners or tenants of property to keep the sidewalks in front of such property clean and in repair, and to prescribe the kind of pavement to be laid, and to compel the laying the kind of pavement prescribed, in the streets, sidewalks, alleys and public places of said city, at the expense of the property owner, except as hereinafter provided for; to prevent explosives and dangerous substances from being kept or stored in dangerous quantities in the city, and to designate the places where such dangerous articles may be stored, and to regulate the manner of hauling and keeping explosive substances, and to declare by ordinance what quantity of such substances shall be deemed dangerous within the meaning of this section; to determine within what limits wooden buildings shall not be erected, and to prevent the reconstruction and enlargement in wood of old buildings within such limits, and to condemn buildings and verandas and parts thereof which are dangerous or insecure, and

Water works

Fire department

Lights

Schools

Cemeteries

Wharves

Sidewalks

Explosives

Wooden buildings

	to tear down the same when the owner, after notice, fails to do so, and to regulate the erection of verandas and awnings; and the city council shall not have authority, within the fire limits prescribed, to make any discriminations, or to permit any person to erect or repair any building therein otherwise than in conformity to the ordinances applicable to the whole of the territory within the fire limits; to regulate all places of amusement and public entertainment, and to prohibit and suppress all houses of prostitution; they shall have the power to close houses and places for the sale of intoxicating liquors when, in the opinion of the city council, the public safety or peace may require it; and it shall be the duty of the city council, when complaint is made that any person engaged in the sale of intoxicating liquors keeps a disorderly house and allows persons gathered therein to become disorderly, to the annoyance of the public or persons using the public streets or sidewalks, to investigate the complaint, and if well-founded, to revoke the state, county and city license therefor; to imprison or fine, or both imprison and fine, or expel, all swindlers, beggars or suspicious characters; to restrain and prohibit gaming and the keeping of gaming houses; to authorize the police, on affidavit being made by any reputable person that he has good cause to believe, and does believe, that any house, or part of a house, in said city, is being kept for the purpose of carrying on gambling therein, to break into and enter such house, or part thereof, and to seize all gambling implements therein, and to arrest all persons found therein; to authorize the use of the streets of said city for horse, steam or electric railroads, and to regulate the same, and to compel such companies to pave and keep in repair such part of the streets, bridges and crossings over which their cars run, as the city council may deem proper; to regulate the use of the streets for the erection of telegraph, telephone, electric and all system of wires and conduits, and to require the same to be placed underground if deemed necessary for the public convenience; and, generally, to regulate and control the use of the streets for any and all purposes; to establish, set up and regulate hospitals, infirmaries, poorhouses, workhouses or houses of correction, and to
Amusements	
Liquors	
Swindlers, etc	
Gaming	
Streets, rail- roads, etc	
Hospitals, etc	

make and pass laws and regulations for the government of the same, not inconsistent with the laws of this state ; to levy, assess and collect taxes on all property within the city taxable by the laws of the state, and to license all businesses, trades, occupations and professions not prohibited by the constitution and laws of the State of Alabama, and to provide a penalty for the doing of business without license ; *Provided*, that but one license for any particular trade, occupation business or profession shall be collected of persons, firms or corporations using but one place of business in carrying on such business, trade, occupation or profession ; to impound and forfeit domestic animals found on the street contrary to city ordinances ; to regulate the stationing, mooring and anchorage of steamboats and other boats and crafts within their jurisdiction ; to have general control and superintendence over the wharf, wharves, ferry, ferries, public springs, cisterns, fountains and wells. The city council shall have the power to license and fix the rates and regulate the carriage within said city of persons for hire, and license, and to fix and regulate the wagonage, drayage and cartage of property for hire ; and to prohibit or suppress all public masquerades, exhibitions and amusements which violate public morals and decency. The city council shall, without unnecessary delay, enact efficient laws for securing the safety of persons from fire in halls and buildings let or used for public assemblies, and for entertainments or amusements. The city council shall provide for the revision of the general ordinances of the city at least once in every five years. The city council may expel any of its members for official misconduct by a vote of two-thirds of all of the members elected to the city council, the vote being taken by yeas and nays, and spread upon the minutes—five days notice and an opportunity of being heard in his own defence having been previously given said member with a copy of the charges against him. An appeal may be taken from any judgment of expulsion rendered under this section, to the circuit court of Montgomery county, upon the accused entering into bond payable to the city council, with such security, and in such amount, not exceeding two hundred dollars, and

Taxes

Licenses

Boats, wharf,  
etc

Hacks

Masquerades

Safety from  
fire

Council

	with such condition as may be approved by the city council; <i>Provided</i> , that such appeal is taken within thirty days after such judgment is rendered, and the cause upon such appeal shall be tried <i>de novo</i> . When-
Nuisance	ever a nuisance is caused on private property by any work or improvement done by and for the city, the same shall be abated at the expense of the city; and
Streets	whenever a grade of the streets is fixed by the city, and improvements shall have been made in conformity thereto, if the city shall thereafter alter said grade, to the damage of said improvements, the city shall indemnify the owner of the improvements for such damage. Said city council is hereby authorized to confer authority upon the chief of police, and such other of-
Warrants of arrest	ficers of the police force as it may designate, to administer oaths and issue warrants for the arrest of offenders against the laws of the state, or by-laws and ordinances of the city of Montgomery, returnable before the recorder, or an alderman acting as recorder. Said city is hereby authorized and empowered to pass by-laws and ordinances for the purpose of assessing property adja-
Sewerage	cent to any street and intersection of streets for one-half the expense of such sewers as the council may, from time to time, deem necessary for the purpose of receiving sewerage from houses, privies and lots, and bettering the sanitary conditions of such parts of the city as the council deem advisable; such assessments to be made upon property upon both sides of the streets and near the intersection of streets on which said sewers may be constructed, in proportion to the value of the lots adjacent to such streets and intersec-
Contempt	tions of streets, and benefitted by the construction of such sewers. The city council, or a committee thereof, duly authorized thereto by resolution, may, during a session of the council, or of said committee, punish by arrest and imprisonment, any person who is guilty of disorderly or contemptuous behavior in the presence of the council or of said committee; but the imprisonment shall not exceed twenty-four hours, and an appeal from such order lies to the circuit or city court, which may suspend the execution of such order on such bond as it may prescribe, and on the hearing thereof may discharge the prisoner, or
Appeal	

remand him to the custody of the city council as the justice of the case may require; may summon witnesses and compel their attendance, and administer oaths by the president or chairman; compel witnesses to testify and produce books and papers in all matters relevant to the government of the city and the powers and jurisdiction hereby conferred, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify, or produce books and papers; but an appeal from any such order shall lie to the circuit or city court as herein above provided.

Committee

The style of ordinances of said city shall be "Be it ordained by the city council of Montgomery as follows:" No ordinance or resolution intended to be of permanent operation shall pass the council at the same session at which it is first offered unless the rules be suspended by a vote of two-thirds of the members present at, or a majority of those elected to said council, the vote to be taken by yeas and nays, and the names of the members voting for and against the suspension of rules to be entered on the minutes; and no ordinance or resolution intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to said council vote in its favor, and unless it be approved as hereinafter required by the mayor, or, on his disapproval being made known to the council, unless it be passed by a vote of two-thirds of all the members elected to said council, the vote being taken by yeas and nays and spread upon the minutes. No ordinance shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full, as amended. The city council shall have power to pass ordinances not in conflict with the laws of the State of Alabama, for the punishment of any criminal offense committed in said city, or within its jurisdiction. Every ordinance passed by the city council shall be published in the paper doing the city printing within five days after its approval by the mayor, or within ten days after its passage by the council. The city council shall have

Ordinances

Assisting  
officer

City attorney

power to pass ordinances for the punishment of all persons who in any manner obstruct any police officer or patrolman in the lawful performance of any of his duties in said city or its police jurisdiction, or the arrest of any person within said city or its police jurisdiction, and for the punishment of all persons who, when called upon by any of said officers to aid in the arrest of any person in said city or its police jurisdiction, shall refuse to render assistance as required; and in all cases where any person is so called on and aids such officer or patrolman, as required, such person shall not be liable to indictment or punishment in the courts of this state therefor, nor to punishment by the recorder or alderman of said city, nor shall he be liable to any damages in any civil action therefor; *Provided*, he does no more than is reasonably necessary to effect said arrest. The city council shall elect a city attorney, who shall be the legal advisor of the corporation on all matters in which his advice may be necessary. He shall advise the mayor, recorder, city council, or any committee thereof, or officer of the city, in writing, when required, as to all legal questions that may arise before them in relation to their duties, or in relation to the interests of the city in which they are directly engaged, and shall from time to time, make such reports in relation to suits or other legal proceedings in which the city is interested as may be required by the mayor or city council. He shall represent the city within the state in all judicial proceedings, suits, actions and contestations in which it may have an interest, and shall, whenever directed by the mayor in writing, attend the recorder's court for prosecution of cases therein, and shall represent the city in all courts wherein an appeal is pending from any judgment of the recorder or alderman acting as recorder; he shall have the appointment of all assistant counsel whom the city may employ; he shall hold his office for a term of two years; no compensation other than a fixed salary shall be allowed him, except that when on business for the city outside of the city, his actual expenses shall be allowed him by the city; and he shall perform all other duties which the council may require of him, not inconsistent with this charter and



the laws of the State of Alabama. The city council may elect a city physician and sanitary officer, and define their duties, powers and compensation; the city council shall elect a recorder or recorders, whose term of office shall be for two years, and who shall receive such compensation as the city council may prescribe; it shall be the duty of such recorder or recorders, to keep an office in said city in such place as the city council may direct, and to hear and determine all cases for the breach of the ordinances and by-laws of said city, and such other cases as are authorized by the charter that may be brought before him; and it shall be his duty to make report at least once a year under oath, of all fines, penalties and forfeitures fixed by him or any alderman acting in his stead; such recorder or recorders, shall be vested with, and may exercise in said city, and within the police jurisdiction thereof, the jurisdiction herein conferred in criminal and quasi criminal matters; may impose the penalties prescribed by ordinance and by the charter of said city, and amendments thereto for the violation of the ordinances and by-laws of said city, and also have the power *ex officio*, of a justice of the peace; *Provided*, that in the absence from the city, death, or failure to act from any cause of the recorder or recorders, any alderman may act as such recorder; such recorder or recorders may at any time be removed from office in the manner provided herein for the removal of officers of said city, but in case of such removal, or in case of death, the vacancy shall be filled temporarily, and a new election shall at once be held for the unexpired term as herein-after provided. The recorder or alderman of said city of Montgomery trying any person for any violation of any of the by-laws or ordinances of said city council, and other cases authorized by this charter, shall, upon the conviction of such person have power to fine or imprison, or to fine and imprison him, or to sentence him to labor upon the streets or public works, or in the work house or house of correction in the city, or for the city, either or any, and in the event the fine and costs are not paid, to require the offender or person thus in default to work out the fine and costs under the direction of the city

City  
physician  
Recorder

## Appeal

authorities, allowing not exceeding one dollar for each days services; *Provided*, that no fine shall exceed one hundred dollars, and no sentence to imprisonment or hard labor shall exceed six months; *And provided further*, that no female shall be required to work on the streets of said city. In cases where parties tried before the recorder or any alderman of said city are dissatisfied with any judgment rendered by said recorder or alderman, he or they may forthwith appeal to the city court of Montgomery, by giving bond with good security, to be approved by the recorder or alderman trying the case, in such sum as he may prescribe, and payable to the city council of Montgomery, conditioned to appear at said court and to pay and satisfy the judgment with costs, in case the said judgment shall be affirmed by said appellate court, or to pay such judgment as said appellate court may render on such appeal; but unless such bond be given within five days from the date of the judgment of the recorder or alderman then no appeal shall be allowed from such judgment. The proceedings on such appeal, when the bond is approved as hereinabove provided, shall be in all respects as provided by law in case of appeals from the judgment of a justice of the peace in civil cases, except as herein otherwise provided. If such defendant fails to appear in said appellate court when the cause is called for trial, the judgment of the recorder or alderman shall be affirmed by said appellate court, and judgment therein shall be rendered against the defendant and the sureties on his appeal bond for the amount of the fine imposed by the recorder or alderman and the costs of the appeal, unless good cause be shown to the court for his absence or default, and in case the defendant appears and judgment is rendered by said court for money, the court must also render judgment against his sureties on the appeal bond for the amount of such judgment, and costs of the appeal; and if the judgment of the said appellate court be that the defendant be imprisoned, or put to hard labor, as adjudged by said recorder or alderman, then the court shall render judgment against the defendant and his sureties on the appeal bond for the costs of the appeal, and for the

costs of the trial before the recorder or alderman, and must remand the defendant to the city authorities for punishment. On the trial of any case in any of the courts of this state, the code or book containing the by-laws or ordinances of said city of Montgomery, and purporting on the face thereof to be printed by authority of said council, shall be received as evidence of the contents thereof without further proof. From the judgment of said city court of Montgomery the defendant may appeal to the supreme court of the state, and in all civil and quasi criminal cases, the city of Montgomery may appeal to the said supreme court, except in cases where a sentence of imprisonment has been imposed by the recorder or alderman trying the case. Appeals taken under this section shall be made returnable to the city court of Montgomery, and shall be entered by the clerk of that court on the state docket. The recorder, or recorders, and alderman of said city of Montgomery acting as recorder shall have original and concurrent jurisdiction of all misdemeanors committed within said city, or within the police jurisdiction thereof, against the laws of this state, and whenever any offense against the by-laws or ordinances of the city is a misdemeanor against the laws of the state; but no finding or judgment of acquittal or conviction rendered by said recorder shall be a bar to a prosecution by the state in any case where the facts of the offense charged constitute the offense a felony under the laws of the State of Alabama. In all cases where a person is convicted or acquitted before the recorder or acting recorder of an offense which is a misdemeanor under the laws of the state, such conviction or acquittal shall be a bar to a prosecution of such person for such offense before any state court, and in all cases where persons are brought before the recorder or acting recorder on a charge which is made a felony by the laws of the state, it shall be the duty of the recorder or acting recorder, if on investigation of the charge there is reasonable cause to believe that a felony has been committed, and that the defendant is guilty thereof, to bind such defendant over to appear before the city court of Montgomery, and to proceed in all respects in such cases as justices of the peace are required by law to

Jurisdiction  
of recorder

proceed. The recorder, or alderman acting as recorder, shall have the power to administer oaths, and to compel the attendance of witnesses, and to compel the production of papers and books, and shall have power to punish by fine not exceeding ten dollars, and by imprisonment not exceeding twenty-four hours, of any person in contempt of their court. The sheriff of the county of Montgomery, and all ministerial officers, shall obey the mayor and recorder and all aldermen in all matters in which the said mayor, recorder or alderman have legal authority and control, and shall faithfully execute the warrants, processes and orders committed to them for service according to their mandate; and it is made the duty of the jailor of said county to receive all persons committed by said recorder or alderman, and the person or persons so committed safely to keep confined in close jail until delivered therefrom by due course of law. The city council shall have power to repair sidewalks, the owner having failed to repair the same after such notice as may be prescribed by ordinance, at the cost of the owner, and assess the costs thereof against the adjacent property, which assessment shall have the lien of, and be enforced and collected as taxes are assessed and collected. The city council shall have power to appoint an inspector of buildings, to prescribe his duties and compensation, and to require all buildings proposed to be erected for public uses, and all store houses and tenement houses to be erected under permits from said city and registered after erection in such manner as the council may deem best, and shall have power to compel the owner of any such building to make the same secure; and shall have the power to fence in said building until it is made secure; and shall have the power to tear down and remove such unsafe or dangerous buildings or structures upon the same being reported to the city council as such by the inspector, and on refusal or failure of the owner after notice to him or his agent to make the same safe and secure. The city council shall also have the power to pass such ordinances as it may deem proper, and not inconsistent with the constitution and laws of this state, and the provisions of this charter, for establishing, controlling and regulating a

Sheriff of  
county

Side walks

Inspector of  
buildings

Market

market, and to provide for the proper inspection of meats and products or articles offered for sale therein, and for the punishment of persons offering or selling unsound or unwholesome articles therein or elsewhere in the city, or violating the ordinances relating to such market; and to elect or appoint a market clerk and prescribe his duties and fix his compensation; and to require butchers and other persons offering meats for sale, either in the market or on the streets of the city, to exhibit to the clerk of the market the hides, with ears attached, of all cattle, sheep and goats slaughtered, and the head and ears of every pig or hog to be exhibited to said clerk before being cut from the body, and to require a description of the marks, brands and color of the animals so killed, and the vender's statement of whom it was obtained, by him to be recorded in a book to be kept for that purpose by the clerk of the market; also, to regulate sales at auction, except sales under executions or by order of courts, or by executors, administrators or guardians; to appoint a lumber and wood inspector, and to prescribe his duties and fix his compensation; to erect and maintain public scale houses with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure for the public, and in case of disagreement between buyer and seller, and to prescribe such other duties for such weigher and measurer as it may deem proper, not inconsistent with the constitution and laws of this state and the terms of this charter, and to fix their compensation; also, to adopt such ordinances as they may deem necessary, not inconsistent with the constitution and laws of this state and the terms of this charter for the levying, assessing and collecting of all taxes and assessments which by law they are authorized to levy, assess and collect; and generally to pass such ordinances and by-laws, not contrary to the constitution and laws of this state, as said city council shall from time to time deem necessary and proper to carry into effect the true intent and meaning of this charter, and the same to enforce, alter and repeal. Whenever the city council shall be made liable to an action for damages by reason of the unauthorized or wrongful acts, or by reason of the negligence, carelessness or un-

Market clerk

Auction  
salesPublic  
weigher

Taxes

Damage  
suits

skilfulness of any person or corporation, and such person or corporation shall also be liable to an action on the same account by the party so injured; the injured party, if he sue the city council for damages suffered by him, shall also join such other person or persons or corporation so liable, if residing within the state, or can be served with process as a defendant or defendants of his suit. And no judgment shall be rendered against the city council unless judgment is rendered against such other person or corporation so liable for such injury. And if any action be brought against the city council alone, and it is made to appear that any person or corporation ought to be joined as a defendant in the suit according to the provisions of this section, the plaintiff shall be non-suited, unless he amends by making such party or corporation a defendant; but no person shall be liable under this act to be sued jointly with the city council who would not be liable to be sued separately, irrespective of this provision. When a judgment shall be obtained against the city council and the other party liable as aforesaid, execution shall issue against the other defendant or defendants in the ordinary form, and shall not be demandable of the city council unless the other defendants are so insolvent that the same cannot be made out of them or their property; and the city council shall pay only so much of said judgment as cannot be made out of the other defendants.

Officers elected by council

Policemen

SEC. 2. *Be it further enacted*, That section four of said act be amended so as to read as follows: Sec. 4. *Be it further enacted*, that the city council shall have power to appoint or elect a treasurer, wharfinger, chief of police and such other officers and patrolmen of police as they may deem necessary, but no person shall be appointed patrolman of the police force unless—1st. He is able to read and write the English language; 2nd. He is a citizen of the State of Alabama and of the United States; 3d. He has been a resident of said city during a term of one year next prior to his election or appointment; 4th. He has never been convicted of any heinous or infamous crime; 5th. He is of good health and sound in body and mind; 6th. He is of good moral habits and character. The chief of



police shall have power to suspend or remove any patrolman of the police at his discretion, which suspension, together with the cause therefor, shall forthwith be reported by him to the mayor, who may affirm or disaffirm such suspension or removal, and whose action in the premises shall be final; and if he disaffirm such suspension or removal, such patrolman shall be at once restored. It shall be the duty of the city council to adopt such ordinances as may not be inconsistent with the constitution and laws of this state, and with this charter, for the election and appointment of the officers named in this section, and of patrolmen of the police, to prescribe their duties, terms of office, and fix their compensation, and said city council shall have power to prescribe such further qualifications for patrolmen of police as it may deem proper. The city council shall have power to appoint or elect such other city officers as it may deem necessary, and to annex such fees and salaries, terms of office and duties to their several offices as it may deem proper and not inconsistent with this charter and to impose such fines for neglect of duty in office as it may deem necessary, not exceeding one hundred dollars, and to enforce and collect the same as may be prescribed by ordinance.

SEC. 3. *Be it further enacted*, That section twelve (12) of the charter of said city of Montgomery be amended so as to read as follows: Sec. 12. Be it further enacted, that the inhabitants of said city shall be exempted from working on roads and highways out of said city, but the streets and highways in said city shall be kept in repair by said city, and the city council of said city shall have authority to make, alter, widen, extend or open any street within the limits of the city, whenever in their judgment the public convenience requires it; and said city council may grant the right of way and appropriate to the South and North Alabama Railroad Company any street, streets, lots or commons in any part of the city which may be necessary to enable them to build passenger or freight depots or workshops, and to reach the same; and that the power next above recited be and is hereby conferred upon the said city council to grant to any railroad that may unite upon a common depot with said

Streets

## Streets

South and North Alabama Railroad Company on a common depot, the same privileges; and whenever any making, extension, alteration, or widening of a street, (not opening one already established) is determined on by resolution of the city council, the mayor of the city shall endeavor to acquire the right to the use of the lands necessary for that purpose by purchase or gift from the proprietor or proprietors; and when the mayor cannot obtain the lands by purchase or otherwise, or when the proprietor or proprietors of any of the lands necessary for the purpose aforesaid shall be an infant, non compos mentis, married woman, non resident, or person unknown, then the mayor shall apply to the clerk of the circuit court of Montgomery county for a writ of *ad quod damnum*, to be directed to the sheriff of Montgomery county, commanding him to summon a jury of seven freeholders or householders of the county, not residents of the city of Montgomery, to appear before the sheriff on a day named, not less than ten days from the date of the writ, and to proceed under his direction, after being sworn impartially to discharge their duty, to assess the value of the lands of such proprietor named in the application for the writ and in the writ, which shall state the lands required for use as a part of the street and the names of the owners respectively; and the said jury shall, after viewing the premises, render a verdict, which may be done by a majority, which verdict shall be endorsed on the writ by them, and shall assess the damages to each proprietor severally; and the sheriff shall thereupon return the writ so endorsed to the clerk of the circuit court, and the verdict so rendered shall be entered on the records of the circuit court at the next term of the court after its return, unless an appeal shall have been taken in the manner hereinafter prescribed. On the return of the verdict, and the payment to the clerk of the damages assessed, the land so assessed shall enure to the public use as part of the streets, unless the city council, or some proprietor or proprietors shall within thirty days take an appeal to the circuit court, and on such an appeal being taken, the matter shall be tried in the circuit court *de novo*. On the suing out of the writ the mayor shall pay to the clerk of the

circuit court three dollars for his fees, two dollars for each juror, and five dollars for the sheriff. It shall be the duty of the mayor to cause written notice to be given of his application to the clerk of said court for a writ of ad quod damnum to the owner of said property sought to be condemned, if he can be found, unless such owner is an infant or non compos mentis, in which event notice shall be served on the guardian, if there be any, or unless such owner is a non resident, or unknown, and the said sheriff's jury, and the jury in the circuit court, in the event of an appeal, as provided in this section, in assessing the compensation to be made to the owner of the property to be condemned, may take into consideration the special benefit, if any, which will accrue to the adjacent property of the proprietor from the use to be made of the property to be condemned, and in making the assessment of compensation and damages to the owner, may deduct therefrom the value of such special benefits. And the said city council of Montgomery shall be, and is hereby authorized, to acquire the right to the use of lands both within and without the corporate limits of said city wherever said use is necessary in the opinion of said city council for laying and constructing the sanitary sewers of said city; and the proceedings for acquiring the use of such lands shall in all respects conform to the provisions of this section.

Use of land  
in or out of  
city

SEC. 4. *Be it further enacted*, That section nineteen (19) of the charter of said city of Montgomery be amended so as to read as follows: Sec. 19. *Be it further enacted*, That retailers of spirituous and other liquors, and all other persons engaged in mercantile pursuits who may procure a license from said city council for the carrying on of their business in said city, or within the police jurisdiction thereof, shall be exempted from paying any tax or fees for license to the county of Montgomery for the privilege of carrying on such business in said city or within said police jurisdiction thereof.

Exempt from  
county li-  
cense

SEC. 5. *Be it further enacted*, That nothing in this act contained shall be construed as altering or repealing the city charter of said city of Montgomery, and the various acts amendatory thereof, except in so far

Effect of this  
act

as the same is inconsistent with said charter and amendatory acts.

Approved February 18th, 1891.

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AN ACT

[H. 874

To incorporate the Corning Land Industrial and Trust Company.

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That D. Stewart Denison, James E. Vail and R. H. Cobb and their associates, successors and assigns be, and they are hereby incorporated under the name of the Corning Land Industrial and Trust Company, and by that name may sue and be sued and have a common seal, the same to alter and change at pleasure.

Powers

SEC. 2. *Be it further enacted*, That said company shall have and possess the following powers, viz.: 1. To have perpetual succession; to contract and be contracted with; to loan money upon real estate or personal security, or on such security as it may approve; to buy, hold, acquire, enjoy, sell and convey, improve, lease, rent, mortgage all such real estate as it may desire, or become possessed of in the management of its business, or for any purpose for which said company may desire to use or deal in the same; to issue notes, bills of exchange, mortgages or bonds secured by mortgages, on its real and personal property, or other collaterals as it may have in the transaction of its business, possessing in such respects the same powers as individuals now enjoy. 2. To buy, sell and deal in personal property, choses in action; and to discount paper, buy and sell exchange, negotiate loans and receive and pay out deposits; to buy and sell bonds, and gold and silver coin and bullion. 3. To lay off its lands or such real estate as it may own in lots and parcels; to lay out construct and grade streets; to build and maintain street railways, water works, gas and electric light plants; to erect and carry on any manufacturing enterprise; to purchase and acquire

rights of way for the construction of such railways as it may build, and in case it is unable to agree with the owners of the property for the acquisition of necessary rights of way, said company shall have power to institute ad quod damnum proceedings for the condemnation of such rights of way, as provided in the general laws of the state. 4. To subscribe for, own, purchase, buy and sell stock of other corporations; to encourage and foster by donations or subscriptions to its stock or loans of money, or by other means, the formation of other corporations and manufacturing enterprises.

SEC. 3. *Be it further enacted*, That said company shall have its principal place of business in the city of Anniston, but may establish branch offices in other states should it desire to extend its business to other points. Place of business

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, that said capital stock may be increased to an amount not exceeding ten million dollars on a vote of two thirds of the stock in value at a meeting held for that purpose; *Provided*, that thirty days notice of such meeting be given by advertisement in a newspaper published in the city of Anniston. The existing stockholders shall have preference in taking such increased stock; that said company may organize and begin business whenever one hundred thousand dollars of the capital stock is subscribed for by bona fide subscribers, and when fifty per cent thereof is paid in cash or in property at its reasonable market value, the board of incorporators of said company may open books of subscription to the capital stock thereof, and keep them open from time to time until all of the capital stock of said company is taken by bona fide subscribers. Capital stock  
Books of subscription  
 When one hundred thousand dollars of the capital stock has been subscribed, as above provided, and fifty per cent. of such stock has been paid into the treasury of said company in money, or by a conveyance of property at its reasonable market value, the incorporators above named, or any three of them, may call the subscribers together for the purpose of

Organization organization, who shall thereupon elect a board of directors for said company, to serve for the next ensuing twelve months. The board of directors, when elected, shall elect a president, and a secretary and treasurer, and such other officers as they may deem necessary for the transaction of the business of the company.

Board of directors SEC. 5. *Be it further enacted*, That the management of the business of said company shall be intrusted to the board of directors, which shall consist of not less than three nor more than ten stockholders, the number to be determined by the stockholders, which number may be increased or reduced within the limits named, at any regular meeting of the stockholders, or special meeting called for this purpose. The board of directors and other officers of said company shall hold their office for one year or until their successors are elected and qualified. The board of directors may require such officers as they may deem proper, to give good and sufficient bonds with security for the faithful performance of their duties, in such amounts as the board may prescribe, to be approved by the board; the board of directors must make an annual report to the stockholders, of their management of the affairs of the company and of its financial condition. The stockholders of said company shall meet annually for the election of officers and the transaction of other business, or so often as may be necessary for the interests of the company; but the failure to hold regular meetings shall not impair the validity of the charter of said company or affect its right to exercise its corporate functions. The several officers of said company shall perform the duties usually incumbent on such officers and such other duties as may be required by the board of directors. The liability of each stockholder shall not extend beyond the amount of stock subscribed by him.

Two-thirds of stock may dissolve corporation SEC. 6. *Be it further enacted*, That the affairs of said company shall be wound up and said corporation dissolve, whenever at a meeting called as provided in the preceding section, two-thirds of the stockholders in value shall decide that the interest of said company require it, but the said corporation shall retain the right



to sue and be sued, until all of its affairs are settled and finally adjusted. At all meetings of the company each stockholders of record shall be entitled to one vote for each share of stock owned or held by him, and at such meeting, stockholders may be represented by proxy, authorized in writing but not otherwise.

Approved February 18, 1891.

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# AN ACT

[s. 65

To provide for the assessment of State and County Taxes on property within the corporate limits of the city of Anniston.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the tax assessors of the city of Anniston, the tax collector of said city and the tax assessor of Calhoun county shall be, and they are hereby constituted a board for the assessment of state and county taxes, on all real and personal property within the corporate limits of said city subject to taxation under the laws of the state.

Board to assess state and county taxes

SEC. 2. *Be it further enacted*, That for the purpose of obtaining a correct and complete assessment of all real property within said city subject to taxation, it shall be the duty of the mayor and city council of Anniston at its first regular meeting after the passage of this act, and as often thereafter as may deem necessary to have prepared by a competent civil engineer or surveyor, a map or atlas of said city showing by section, townships and ranges all of the lands in said city, with all its divisions and sub-divisions, blocks, lots or parts of lots or blocks, as shown by plats of such lands as surveyed, and laid off in blocks and lots, and recorded in the office of the judge of probate of said county; *Provided*, that if the mayor and city council shall have already subscribed for and ordered such a map or atlas it shall not be necessary to have another prepared until such time as may become necessary. The said map or atlas when completed shall be known and designated as the official map or atlas, as the case may be,

Map of city

of the city of Anniston. When the mayor and city council shall have certified to the court of county commissioners of Calhoun county that such map or atlas has been satisfactorily and correctly completed, and shall have furnished to the said court of county commissioners a certified statement of the cost of the same and at least a dozen copies of such map or atlas for the use of such court and the board of assessors hereinbefore provided for, then the court of county commissioners shall order paid to the person making such map or atlas one-half of the cost of making the same, the said amount to be paid from the county treasury; the mayor and city council of Anniston shall pay the other half of the cost of such map or atlas out of the city treasury.

Duties of  
board

SEC. 3. *Be it further enacted*, That it shall be the duty of said board or a majority thereof to assess for taxation as tax assessors are required by-law to make assessments, except as changed by this act, all property in said city subject to taxation under the laws of this state, and it shall be the duty of every person liable to taxation in said city to file with said board a statement of such property within the time and in the same form or manner as now or hereafter may be required by law for listing property for taxation before the tax assessor of said county, but when any owner or person whose duty it is by law, lists real property, such owner or person shall be required by said board to designate on such official map or atlas the location of such real property, the number by lot and block and plat, and if it is not a whole lot then it shall be described by metes and bounds in such manner that it may be exactly located on said official map or atlas, and whenever said board is engaged in the assessment of property in said city, it shall have and use the said official map or atlas so that real property assessed may be marked thereon as assessed. All property whether the owner thereof be known or unknown, when assessed by such board shall be marked off on such official map or atlas so that it may determine by inspection all real property in said city that has not been assessed for taxation. All real property that shall not have been assessed with such board prior to June 1st of each year,

Duties of  
owners of  
property

shall be assessed and the valuation thereof determined by said board by an actual inspection of such property.

SEC. 4. *Be it further enacted*, That when the county assessor shall return the assessment book and lists to the judge of probate as required by section 488 of the code of Alabama, he shall at the same time return the official map or atlas, used by the board in the assessment of property which said map or atlas when returned shall show all property that has been assessed, and if any has not been assessed then that shall also be shown, and the said judge of probate shall deliver the same to the court of county commissioners when such court is engaged in the examination of the assessments and lists of assessments.

Assessment  
book and  
lists

SEC. 5. *Be it further enacted*, That the said tax assessors and tax collector of the city of Anniston need not give the bond required by law of state and county assessors, and all fees for the duties required by this act shall be the same as now fixed by law for the tax assessor of said county and all such fees shall belong to such assessor.

Fees belong  
to assessor

SEC. 6. *Be it further enacted*, That all laws relating to the assessment of taxes within the county of Calhoun, be and the same shall remain in full force and effect except as changed by this act, and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Effect of th  
act

Approved February 18, 1891.

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AN ACT

[s. 378

To incorporate The Montgomery Loan and Trust Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Ignatius Pollak, M. L. Moses, S. M. Levin and Edward A. Graham, their associates, successors and assigns, be and they are hereby incorporated under the name of the "The Montgomery Loan and Trust Company" and may contract and be contracted with, sue and be sued, may have a common seal which

Name, right  
etc

they may alter or change at pleasure, and are hereby invested with all rights, powers and privileges of private corporations under the laws of Alabama, and such other powers as are hereinafter granted.

Capital stock

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and that said incorporation may increase its capital stock to five hundred thousand dollars by a majority vote of the stockholders present at a meeting held for that purpose, or at any annual meeting, after giving thirty days notice thereof by advertisement in some newspaper published in the city of Montgomery; and that the existing stockholders shall have the preference in taking such increased stock.

Rights and powers

SEC. 3. *Be it further enacted*, That said corporation shall have the right and power to buy, sell, hold and mortgage real, personal and mixed property; to loan money on real estate, personal property, and other security; to purchase, sell and hypothecate mortgages and deeds of trust; to purchase and sell United States government, state and municipal bonds, and other securities; to buy, sell and rent real estate, personal property and securities on commission; to negotiate loans and to guarantee the payment of the principal or interest thereof, one or both, if desired; to issue bills of exchange, foreign or domestic; to discount, buy, sell, hypothecate and collect bills of exchange, promissory notes or other evidences of debt, or bonds or securities or choses in action; to buy, sell and hypothecate gold and silver bullion and coin; to receive deposits of money or other things of value; to endorse and become security for individuals, firms and corporations who may negotiate loans through it; to accept and execute such trusts as may be committed to it by individuals, corporations or courts.

May act as guardian, executor, etc

SEC. 4. *Be it further enacted*, That said corporation may be appointed and may act as guardian for infants and lunatics, as executor and administrator, as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, by any court within this state, by any person, or in any other manner not inconsistent with law. It may receive and hold in

trust, estate real, personal and mixed, including notes, bonds, obligations and accounts of estates and individuals, of companies or corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this state or elsewhere; it may act as agent or attorney in leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation or municipality, state or other public authority; and may receive and manage any sinking fund therefor, and may accept, execute and guarantee all such trusts of every description, not inconsistent with the laws of this state, as may be committed to it by any person or persons, corporation, or by any court of record of this or any other state. It shall have a trust department, and all of its business shall be kept in a separate and special set of books.

SEC. 5. *Be it further enacted*, That said corporation shall have the power and authority to issue debenture bonds, at such times, in such series, classes and denominations, and bearing such interest, not exceeding eight per cent., as it may seem best to the board of directors, the same to be secured by first mortgage on such of its property as it may elect to pledge as security for such bonds or evidences of indebtedness, said property so mortgaged as security to be held in trust by a trustee appointed for that purpose, and said debentures shall run for such term of years as the board of directors may determine, not exceeding ten years.

Debenture  
bonds

SEC. 6. *Be it further enacted*, That said corporation may purchase, erect or lease a building or premises containing a strong and commodious safety vault and a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in said safety vault to such persons and for such sums of money, and for such time as may be agreed upon between said company and the person or corporation desiring them.

Building with  
safety vault

SEC. 7. *Be it further enacted*, That said company

May receive  
valuables for  
safe keeping

is hereby empowered to receive for safe keeping any valuables that may be intrusted to it, receipting for the same by its president, vice-president, or secretary, and may guarantee such special deposit for such compensation as may be agreed upon; but in the absence of such guarantee the said corporation shall not be liable for the loss of such deposit, except in case of negligence on the part of its officers or other agents.

Annual  
statements

SEC. 8. *Be it further enacted*, That it shall be its duty by its president, and secretary, to make a detailed statement annually, or oftener, if so required, to such court or courts as may have committed any trust or trusts to said company, of all such investments, together with a statement as near as practicable of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and the capital stock of said company shall be primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the corporation until all its obligations in regard to its trusts aforesaid shall have been first duly met and discharged. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of its transactions in each and all of the trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care and to the parties in interest, at such times as such courts may direct.

Duties and  
responsibilities  
as guardian, etc

SEC. 9. *Be it further enacted*, That in the exercise by said company of the powers herein authorized as guardian, executor, administrator, receiver or of any office or duty imposed by the courts, or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers and shall receive the same compensation as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers and the performance of other duties by said company, may be as to compensation and otherwise, matter of contract between the parties interested.



SEC. 10. *Be it further enacted*, That the capital stock of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or parties interested; but any court having jurisdiction to make or approve such appointments, shall have power, before making or approving the same, and at any time thereafter, to examine the officers of said company under oath or affirmation as to the security aforesaid, and the amount and extent of its fiducial liabilities, and, if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and arrangement of said company, who shall report to such court the manner in which the investments are made, and the security offered to those by or for whom its engagements are held; the expense of such investigation to be paid by said company.

Security  
upon ap-  
pointments

Investigating  
affairs of  
company

SEC. 11. *Be it further enacted*, That the home officers of said company shall be in the city of Montgomery, Alabama.

Home  
officers in  
Montgom-  
ery

SEC. 12. *Be it further enacted*, That the board of incorporators of said company, named in the first section of this act, or a majority thereof, may open books of subscription to the capital stock thereof, and keep them open from time to time, until all the capital stock of said company is taken by bona fide subscribers; and when fifty per cent. of said stock has been subscribed and at least twenty per centum thereof has been paid to such members of said board of corporators as a majority thereof may determine, the incorporators above named, or any three of them, may call the subscribers together for the purpose of organization, who shall thereupon elect a board of directors for said company, to serve for the next ensuing twelve months; and to adopt such by-laws, not inconsistent with the laws of the state of Alabama, as may be necessary for the government of said company. The board of directors, when elected, and annually thereafter, shall elect a president, vice president, secretary and treasurer and such other officers as may be necessary for the proper conduct of the affairs of said company. The offices of secretary

Books of  
subscription

Organization

and treasurer may be combined in one person whenever by by-law or amendment thereto the company desires it.

Board of directors      SEC. 13. *Be it further enacted*, That the management of the business of this company shall be intrusted to a board of directors which shall consist of not less than five or more than ten stockholders, the number to be determined by the stockholders, which number may be increased or reduced within the limits named, at any regular meeting of the stockholders or special meeting called for that purpose. The board of directors and other officers of said company shall hold their offices for one year or until their successors are elected and qualified. The board of directors shall require such officers as they deem proper to give good and sufficient bonds for the faithful performance of their duties, in such amounts as the board may prescribe, to be approved by the board. The board of directors must make an annual report to the stockholders of their management of the affairs of the company and of its financial condition. The stockholders of said company shall meet annually for the election of a board of directors and the transaction of other business, or so often as may be necessary for the interest of the company ; but the failure to hold regular meetings shall not impair the validity of the charter of said company or affect its rights to exercise its corporate functions. The several officers of said company shall perform the duties usually incumbent upon such officers, and such other duties as may be required by the by-laws and the board of directors of said company. The liability of each stockholder of such company shall extend to the amount of stock subscribed by him.

Annual meeting of stockholders

Officers

Provisions for dissolving corporation      SEC. 14. *Be it further enacted*. That the affairs of said company shall be wound up and said corporation dissolved whenever at a meeting called for that purpose by publication for thirty days in a newspaper published in the city of Montgomery, or at any annual meeting two-thirds of the stockholders in value shall decide the interest of the company require it, but said corporation shall retain the right to sue and be sued, until all of its affairs are settled and finally adjusted.

SEC. 15. *Be it further enacted*, That at all meetings of the company each stockholder shall be entitled to

one vote for each share of stock owned or held by him, and at such meetings stockholders may be represented by proxy, authorized in writing, but not otherwise.

SEC. 16. *Be it further enacted*, That this act shall become operative from the time of its approval.

Approved February 18, 1891.

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AN ACT

[s. 403

To confirm the corporation and organization of "The Gadsden and Attalla Union Railway Company."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of "The Gadsden and Attalla Union Railway Company," heretofore effected by and under the general laws of Alabama, for the objects and purposes and with the rights and powers set forth in said proceedings, be and the same are hereby in all things ratified and confirmed.

Incorporation confirmed

Approved February 18, 1891.

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AN ACT

[s. 48

To repeal section 3210, and to amend sections 3211, 3212, 3214, 3215, 3216 and 3217 of the code relating to the condemnation of lands for public uses.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3211 of the code of Alabama be amended so as to read as follows: 3211. *Allegations, objections and proof to be heard, on the day so appointed for the hearing, or on such other day to which, for good cause, the court may adjourn the hearing.*—The court must hear all the allegations of the application, and objection which may be filed to the granting thereof, and any legal evidence touching the same, and shall make an order granting or refusing the

Condemnation of lands

Condemna-  
tion of lands

application. If the application be granted, the judge of the probate court shall appoint three citizens of the county in which the lands sought to be condemned are situated, who shall possess the qualification of jurors, who shall be disinterested, and who shall be required to file a certificate along with their award, that neither of them had ever been consulted, advised with, or approached by any person in reference to the value of lands, or the proceedings to condemn the same, and that they knew nothing of the same before their appointment on the trial of the same, and the judge of the probate court is authorized to fill any vacancy occasioned by death, resignation, failure to act, or any disqualification of either of said commissioners from interest, prior knowledge of subject matter, or by being consulted, advised with, or approached in reference to the condemnation of such lands prior to appointment or trial of the same. When the court shall have appointed the commissioners as herein provided, he shall at once issue a notice of such appointment to the sheriff, whose duty it shall be to serve such notice upon the person therein designated, within five days of the receipt of such notice by such officer, and the sheriff shall receive the same compensation for serving such notice as allowed for summoning jurors; and where any of the parties at interest are non-residents, minors, or of unsound mind, then notice of the proceedings herein provided for shall be given in the same manner as other notices of the proceedings of the probate court in this state are given to non-residents, minors or persons of unsound mind; and the compensation for giving such notice shall be the same as allowed to officers of courts of record for like services. It shall be the duty of the commissioners, or a majority of them, thus appointed by the judge of the probate court, to assess the damages and compensation to which the owner of the lands is entitled, and shall be sworn as jurors are sworn. The commissioners may view the lands to be subjected, and must receive all legal evidence that may be introduced by either party touching the measure of the damage the owner of the lands will sustain, and the amount of compensation he is entitled to receive; but the amount of compensation to which the owner is en-

titled must not be reduced or diminished because of any incidental benefits which may accrue to him, or to his remaining lands in consequence of the uses to which the land proposed to be taken, or in which an easement is proposed to be acquired, will be appropriated.

SEC. 2. *Be it further enacted*, That section 3212 of the code of Alabama be amended so as to read as follows, to-wit: 3212: *Report of the Commissioners*.—The commissioners, or a majority of them, must, from the evidence, ascertain and assess the damages or compensation to which the owner or owners are entitled, and report the same in writing to the court, within ten days from their appointment, and thereupon the court must order the same to be recorded, and must make an order of condemnation in pursuance thereof, upon payment of the damages or compensation so assessed and reported. Damages

SEC. 3. *Be it further enacted*, That section 3214 of the code of Alabama be amended so as to read as follows: 3214: *Owner not Appearing*.—If the owner does not appear on the hearing of the application, the court must hear the same, and if the application be granted, must appoint commissioners as herein provided for, and thereafter the same proceedings shall be had, as if such owner had appeared. If owner does not appear

SEC. 4. *Be it further enacted*, That section 3215 of the code of Alabama be amended so as to read as follows: 3215. *Hearing, trial and appeal*.—The hearing and trial provided for herein, must, in all respects, be conducted and evidence taken as in trials in civil cases at common law; on the trial and hearing either party may, by bill of exception, reserve any opinion or decision of the court, as in cases in which bills of exception are allowed in civil cases in courts of common law; and either party is entitled to an appeal to the supreme court from the order of the court within one month from the making thereof. Either party may appeal from the assessment of damages and compensation by the commissioners to the city or circuit court of the county, within thirty days after the making of the order of the commissioners, by filing in the court, rendering the judgment. A written notice of appeal, a copy of which shall be served upon the opposite party, and on Hearing and trial  
Appeals

such appeal, the trial shall be de novo; but no appeal shall suspend the judgment, if the applicant shall give bond in good and sufficient security, to be approved by the court, to pay such judgment as shall be rendered on appeal; *Provided*, that nothing in this act shall be construed to prevent any applicant or land-owner from employing counsel to represent him, or to be present in person at any of the proceedings or trials as herein provided for.

Interest vested in applicant for use  
SEC. 5. *Be it further enacted*, That section 3216 of the code of Alabama be amended so as to read as follows: 3216. *Effect of order of condemnation*.—Upon payment of the sum ascertained and assessed as damages and compensation, the order of condemnation shall vest in the applicant the interest or easement in the lands, proposed to be acquired, for the uses and purposes stated in the application, but for no other uses or purposes.

Costs  
SEC. 6. *Be it further enacted*, That section 3217 of the code of Alabama be so amended as to read as follows: 3217. *Costs*.—The cost of the application and of the proceedings thereunder, including the compensation of commissioners, who shall receive the pay of jurors, must be adjudged against the applicant, and his surety for costs, for which execution may be issued; but should the applicant tender to the land-owners prior to the application for condemnation proceedings for the lands sought to be condemned, a sum of money in excess of the award of the commissioners for compensation or damages for the same, then the costs of the proceedings before the commissioners shall be against the land-owner; *Provided*, the commissioners shall have no knowledge of the amount so tendered, and shall certify in their award that they had no knowledge of such tender; *Provided further*, that the principles of law and rules of justice relative to tender now in force in the courts of this state, shall apply to all tenders made under the provisions of this act.

Repealed  
SEC. 7. *Be it further enacted*, That section 3210, and acts amendatory thereof, be and the same are hereby repealed.

Approved February 18, 1891.



442]

AN ACT

[s. 299

To incorporate the Autauga Volunteer Hook and Ladder Company No. 1, of the town of Prattville.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the purpose of protecting the town of Prattville against fire, and for other municipal purposes, that the officers and members, their associates and successors, of the "Autauga Volunteer Hook and Ladder Company No. 1, of Prattville," be and they are hereby declared and constituted a body corporate by the name and style of the Autauga Volunteer Hook and Ladder Company No. 1, of the town of Prattville, and by that name may sue and be sued, may plead and be impleaded, answer and be answered, in any court of law or equity.

Name, rights,  
etc

SEC. 2. *Be it further enacted,* That the said company shall be entitled to fifty members; may have, hold, occupy and possess goods and chattels, lands and tenements of the value of ten thousand dollars, and may sell and transfer the same at pleasure, and may have and use a common seal and alter the same at pleasure.

Number of  
members,  
etc

SEC. 3. *Be it further enacted,* That the said company may enact such by-laws, rules and regulations for the proper organization and good government of the company, as are not inconsistent with the laws of the State of Alabama and the provisions of this act of incorporation, as they may deem proper.

By laws,  
rules, etc

SEC. 4. *Be it further enacted,* That the members of said company shall be exempt, and are hereby exempted, from militia and jury duty, road and street tax of the town of Prattville, Alabama, as long as they continue to perform the duties of firemen under this act; *Provided however,* that there shall be no honorary members of said company who shall enjoy the privileges and immunities of active members under this act, except such as shall have served five (5) years consecutively in said company, or shall have been active members of a fire company for five (5) consecutive years without intermission, or shall have been permanently disabled in the performance of duty as firemen.

Exempt from  
jury duty,  
etc

Foreman to furnish sheriff list

SEC. 5. *Be it further enacted*, That it shall be the duty of the foreman of said company to furnish the sheriff of Autauga county, semi-annually on oath, a true list of the names of the members of said company who are, at the time of making the report, entitled to the immunities of this charter, and it shall be the duty of said sheriff to prevent the said names from being placed in any of the jury boxes of said county.

Duty of sheriff

Privileges not allowed

SEC. 6. *Be it further enacted*, That said company shall not be allowed to exercise privileges not legitimately belonging to hook and ladder companies generally.

Approved February 18, 1891.

443]

AN ACT

[s. 269

To make an appropriation for the benefit of the State Agricultural Society, for the year 1891.

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of two thousand five hundred dollars (\$2,500) be appropriated out of any money in the treasury to the credit of the department of agriculture, for the use of the Agricultural Society of the state, for the year 1891, to be used by the executive committee of said society for promoting the objects of said society.

SEC. 2. *Be it further enacted*, That said sum may be drawn by the president of said society upon the order of the commissioner of agriculture upon the state treasury.

Approved February 18, 1891.

444]

AN ACT

[s. 423

To fix the time of holding the circuit courts in the counties of Randolph and Bibb, in the Fifth Judicial Circuit of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit court of Randolph coun-

ty, in the fifth judicial circuit, shall be hereafter held on the fourth Monday in February and continue one week, and on the third Monday in August, and may continue two weeks; and in Bibb county on the thirteenth Monday after the fourth Monday in February, and continue one week, and on the fifteenth Monday after the fourth Monday in August, and may continue two weeks.

Fifth circuit  
Randolph  
Bibb

Approved February 18, 1891.

445]

AN ACT

[s. 297

To grant certain rights of way to the Montgomery and Sylacauga Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the necessary right of way over lands of the State of Alabama be, and is hereby granted to the Montgomery and Sylacauga Railroad Company for its depot, main and side tracks and switches; and the governor and president of the board of inspectors of convicts of the State of Alabama are hereby authorized and empowered to determine what lands may be necessary for the above mentioned purposes, and shall designate and set apart the same properly described in writing, which written instrument shall operate as a conveyance of the same to said railroad company.

Right-of-way

SEC. 2. *Be it further enacted*, That the necessary right-of-way over, across or along public roads, and also over streets and alleys in unincorporated villages or town sites, is hereby granted to said railroad company.

Approved February 18, 1891.

446]

AN ACT

[s. 259

To relieve George T. Preer of Lee county, Alabama, of the disabilities of non-age.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That George T. Preer, a minor, seven-

Relief from  
disabilities  
of non-age

teen years of age, residing in Lee county, be, and he is hereby relieved from the disabilities of non-age, and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do if twenty-one years of age.

Approved February 18, 1891.

447]

AN ACT

[s. 241

To authorize and empower the mayor and aldermen of the city of Huntsville to improve and repair the side walks of the city of Huntsville, Alabama, at the cost of parties whose property abuts such sidewalks.

Side walks

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and aldermen of the city of Huntsville shall have full power and authority to make, improve, alter, change, grade and enlarge the sidewalks of the city under such terms, conditions and regulations upon property owners fronting on said sidewalks so made or improved as the mayor and aldermen may deem just and proper, and said mayor and aldermen shall have power to make all laws necessary and proper to carry out the powers herein granted, and in event said property owner after proper notice given, refuses to build said sidewalks as directed by the ordinances of the board of mayor and aldermen, then said board of mayor and aldermen shall have the power, to build said sidewalks at the expense of the property owner; and the street superintendent shall furnish the property owner with an itemized statement of the expenses of building said sidewalks, and demand the amount from said property owner, and on refusal of said property owner to pay the same, shall return said amount of expenses to the city clerk, who shall levy and collect said amount against said property owner at the same time and in the same manner as the general taxes are collected.

Approved February 18, 1891.

448]

AN ACT

[s. 263

To provide for the refunding of taxes improperly paid.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who has by mistake paid taxes which he ought not to have paid, may apply to the commissioners court to have said taxes refunded to him; and upon such application being made and the mistake or error being established to the satisfaction of said court, they may direct and order the probate judge to draw a warrant on the county treasurer in favor of such person for the amount of county taxes shown to have been so improperly paid; and said court may authorize the probate judge to certify to the auditor such mistake and the amount of state taxes which have been so improperly paid, and on the presentation of such certificate to the state auditor, and that officer shall find the same to be correct in fact and amount, it shall be the duty of the said auditor to draw his warrant in favor of such person on the state treasurer for the amount so certified by the probate judge, which warrant on both the state treasurer and county treasurer shall be paid by them respectively out of any funds in either said treasuries not otherwise appropriated.

Refunding  
taxes im-  
properly  
paid

Approved February 18, 1891.

449]

AN ACT

[s. 490

To establish an industrial school in the state of Alabama for the destitute children, descendants of Confederate soldiers and sailors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be established in this state an institution for the education in the industrial arts and sciences of the destitute children of the state who are descendants of Confederate soldiers and sailors. Such institution shall be located at Springville in St. Clair county, in this state, and shall be known as the Confederate Children's Industrial School.

Name and  
location

Governor to  
appoint

SEC. 2. *Be it further enacted*, That the governor of the state, the state superintendent of education, and seven other persons, six of whom are to be appointed by the governor, the seventh one to be Miss Aula Moore during her life, and after her death the seven are to be appointed by the governor, are made a body corporate, with the rights of succession forever, by the name of the Confederate Children's Industrial School; and such corporation may acquire and hold property, real and personal, by gift, devise, or in any other manner, for the purposes of its creation; may sue and be sued, contract and be contracted with; may have and use a common seal, and break or alter the same at pleasure; and may have all the [powers necessary and proper to accomplish the purposes for which this institution is established.

Rights and  
powers

Board of  
trustees

SEC. 3. *Be it further enacted*, That the officers and persons named in the second section of this act, and their successors, shall constitute the board of trustees of such institution, and they shall select and purchase the site therefor, within, or within one mile of Springville, and erect the necessary buildings, and purchase the necessary apparatus, machinery and appliances, and other necessary equipment for such institution; and such board of trustees is hereby further fully empowered to manage and control the affairs of such institution, employing teachers, instructors and all other such officers, agents, employees and servants as they may deem necessary; to establish, promulgate and enforce all such rules and regulations as may be necessary; to fix the powers and assign the duties of all persons connected with the institution, and to require bond of such officers, agents or employees, with surety thereon, in such amount and with such conditions as they may deem proper; and generally to do such other and further things in the management of such institution, as may be convenient or necessary, not in violation of the laws of the country.

Terms of  
office of  
trustees

SEC. 4. *Be it further enacted*, That during the life of Miss Aula Moore, six of such trustees shall be appointed by the governor of the state, two to hold office for two years, two for four years, and two for six years,



from the date of their appointment, and thereafter the governor shall fill the vacancies on such board as the terms of the trustees expire; and after the first appointment each trustee shall be appointed for the period of six years. If any vacancy occurs on said board among those appointed by the governor, he shall fill the vacancy by appointment. All appointments as trustees shall be sent to the senate then in session or next in session, for confirmation, and the appointees shall be confirmed or rejected by the senate. If any are rejected, other names shall be submitted by him until a confirmation is made. One of the trustees to be appointed by the governor shall reside in the county of St. Clair. Upon the death of Miss Aula Moore, her successor or trustee shall thereafter be appointed by the governor, and the first appointee shall hold office for six years and the period from the time of his or her appointment to the date of the expiration of the term of office of the trustees, whose terms first thereafter expire.

Governor  
fill vacancies

SEC. 5. *Be it further enacted*, That a majority of said board shall constitute a quorum, and they shall meet at the institution at least twice in every year and at such other place or places in the state as often as they may deem necessary, and at such meetings, they shall transact any business connected with the institution. Every two years the board shall elect a president thereof from among its members, and all vacancies in the presidency of the board shall be filled by the board. The board shall keep a free and complete record of all its proceedings, and of all the history of the institution, and of all its accounts and financial operations, and of the reports of its officers and agents; and the board of trustees shall make a full historical and financial report of the institution to the governor every year and he shall lay the same before the next succeeding general assembly.

Meetings of  
board

SEC. 6. *Be it further enacted*, That the board of trustees may select from their number an executive committee of three, subject to change and removal by a majority of the board, outside of those constituting the committee, at any time, and such committee is authorized to meet and transact any business that may

Executive  
committee,  
and its pow-  
ers

be transacted by the board, and whatever acts are done by such committee shall be considered as done by the whole board. The board shall meet on the call of the governor or president of the board, or any three of the trustees, if the governor and president should both refuse to call a board meeting; such called meeting to be held at the place provided in the call.

Objects  
Applicants

SEC. 7. *Be it further enacted*, That the main object of the institution shall be to afford means of education in the industrial arts and sciences to destitute descendants of confederate soldiers and sailors. Application for admission must be made to the board of trustees in writing, and must state name, age and place of birth, and present residence of the applicant, the relationship, name and financial circumstances of applicant's nearest relatives living, and the names of the applicant's ancestors who were confederate soldiers, and that the applicant is in destitute circumstances. Such application shall be indorsed by the judge of probate of the county of the applicant's residence, which indorsement shall state the judge's belief as to each fact stated in the application, and that the applicant is worthy to become a pupil in the institution. Such applications shall be considered by the board from time to time, and such number of applicants as the institution can support shall be appointed as the institution can maintain, having regard to a proper distribution of the appointed among the several counties of the state; preference shall in all cases be given to those who have been only one year at the institution, but no pupil shall be received into the institution who at the time of his appointment is over twenty years old, and no child shall be received as a pupil who is under two years old.

Pay pupils

SEC. 8. *Be it further enacted*, That the board of trustees shall have power to admit pay students into the institution upon such terms as they may think fit, but no pay pupil shall be allowed to the exclusion of a destitute one.

Not a state school

SEC. 9. *Be it further enacted*, That nothing in this act shall be taken or held as making the school herein provided for a state school or as incurring any liability

ties on the part of the State of Alabama for establishing or maintaining said school.

Approved February 18th, 1891.

450]

AN ACT

[s. 463

To prevent justices of the peace and notaries public, with the jurisdiction of justices of the peace, from sentencing defendants to hard labor for costs.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any justice of the peace or notary public with the power of a justice of the peace, to sentence any person to hard labor for the non-payment of costs. Justices of the peace cannot sentence to hard labor for costs

Approved February 18th, 1891.

451]

AN ACT

[s. 382

For the relief of persons who have paid for and taken out a liquor license for the year 1891, improperly.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all cases where persons, firms or corporations may have paid a state and county license for the sale of liquors in any county or part of county of this state in which such sale is prohibited by the provisions of the bill known as the "omnibus prohibition bill," approved December 9th, 1890, and who shall not undertake to use said license, or continue to do business under such license after being legally informed of the law prohibiting such sale, shall be entitled to have the money paid to the county for county license and the money paid for state license refunded; *Provided,* that such person or persons shall be entitled to have refunded to them under the provisions of this act, only such proportionate part of the whole amount paid for such license as the unexpired time of said license bears to the whole time for which the license was originally granted. Liquor license money to be refunded

Auditor to  
draw war-  
rant

SEC. 2. *Be it further enacted*, That the auditor be and he is hereby authorized and empowered to draw his warrant upon the state treasurer in favor of any person, firm or corporation, who have in ignorance of the law paid for and taken out a license to sell liquor in any county or part of a county, embraced in the provisions of the law referred to in the first section of this act, upon such party, firm or corporation presenting to the auditor a certificate of the judge of probate of the county where such license was issued, setting forth that the license has been returned to and cancelled by him, and the amount so paid for such state license, the auditor shall draw his warrant on the state treasurer in favor of such party, firm or corporation for the amount so paid by them for state license.

Counties to  
refund

SEC. 3. *Be it further enacted*, That in all such cases as are mentioned in the first and second section of this act and upon a compliance with the provisions of the second section of this act by the party to whom such license was granted, the commissioners court of the county where such license was issued shall draw a warrant upon the county treasurer for the sum paid as county license in favor of the party to whom such license was granted.

Approved February 18, 1891.

452]

AN ACT

[s. 284

To prevent the running at large of stock in certain portions of Elmore county.

Stock law  
districts

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for stock of any kind or description whatever to run at large in that portion of Elmore county, known and described as beat (16) sixteen, township (17), range (17) seventeen, and those portions of beats (10) ten and (17) seventeen, township 18 range 17—south of a line beginning at the half mile post in section (19) nineteen, township (18) eighteen and range (17) seventeen, on the dividing line between the counties of Elmore and Autauga,

SEC. 2. *Be it further enacted*, That any person injured by any live stock running at large in violation of the preceding section, either in his person or to his property of any kind, shall have a lien prior to all other liens for all damages done by said stock and for the costs of all legal proceedings prosecuted by the injured person for the recovery of damages for the violation of this act.

SEC. 3. *Be it further enacted*, That any person whose property or person is injured by stock running at large or upon his lands in violation of this act, may, within thirty days after such damage was done, make complaint against the owner or custodian or herdsman of the stock doing the damage, to a justice of the peace or notary public who has the powers of a justice of the peace, of the precinct in which the damage was done; said complaint must describe as nearly as may be the stock doing the damage, and the property, person or thing injured, and state the amount of damage done. Upon the filing of said complaint the justice or notary public, must issue a summons to the owner or manager of said stock, commanding him to appear before said justice or notary, on a day not more than five after the issuance of said summons, and answer the same. If judgment be rendered for the complainant, the justice trying the cause, must if such judgment and costs be not presently paid, condemn the stock doing the damage to be sold for the satisfaction of such judgment and costs and shall forthwith issue to any constable of Elmore county an order commanding him to sell the stock so condemned, describing them in said order, for the satisfaction of such judgment and costs.

SEC. 4. *Be it further enacted*, That any owner or manager of any land within the limits described in the first section of this act, who may find any live stock running at large upon his land, shall notify the owner within twenty-four hours, personally or by leaving written notice at his home, and shall have the right to

take up said live stock and to confine the same so as to prevent their doing other or further damage, for which he receive the sum of twenty-five cents per head, and shall also feed and water said stock, and the cost of watering and feeding said stock shall, on proof being made to the said justice on the trial of said cause, that said feed and water were given to said stock in sufficient quantity and of good quality be taxed against the defendant as other costs are taxed, and collected from the sale of said stock or by execution against the owner thereof.

When owner of stock is unknown

SEC. 5. *Be it further enacted*, When any live stock is found trespassing upon the lands of any person in violation of this act, and the manager or owner thereof is unknown, then the justice to whom complaint is made shall cause a notice to be posted in three public places, in the neighborhood of the land upon which said live stock was found trespassing, describing as fully as he can said stock, and giving notice of the day upon which said trial will be held, and then proceed in all respects as provided in this act, where the owner of the stock is known. Should the stock sell for more than enough to pay the judgment and costs adjudged against said stock, or the owner thereof, the surplus, if any, must be paid to the owner of said stock if he is known, and if the owner be unknown the surplus must be paid into the county treasury, and paid by the treasurer to said owner whenever he makes satisfactory proof that the stock were his property, and he is entitled to the surplus proceeds of the sale thereof.

Unlawful acts

SEC. 6. *Be it further enacted*, Any person who causes any live stock to break away from their herder, guard or tether, or who takes or drives his stock upon the lands of another, must, on conviction be fined not less than twenty-five dollars within said limits.

Appeal

SEC. 7. *Be it further enacted*, From any judgment rendered under the provisions of this act, either party may appeal to the circuit court as in other cases.

Tender of damage and cost

SEC. 8. *Be it further enacted*, Whenever the owner, custodian or herdsman of any stock arrested for the trespass upon the lands of another, shall tender or cause to be tendered to the person injured the amount of damage done, and all the costs that may have ac-



crued up to the time of the tender, and said tender is refused, and the damages are assessed at an amount not greater than the amount tendered, the plaintiff shall not have or recover judgment for any costs, or for any further feeding or watering.

SEC. 9. *Be it further enacted*, Whenever any stock are confined under the provisions of section four of this act, the owner thereof may replevy the same, by giving such bond as may be approved by the person damaged, or by the justice or notary before whom the complaint is made; *Provided*, the provisions of this act shall not be in force until the 15th day of March, A. D. 1892.

SEC. 10. *Be it further enacted*, That the commissioners court of Elmore county is hereby authorized, and it shall be its duty to levy a special tax or assessment upon the lands and other property in the district embraced in the provisions of this act, sufficient to build a line fence between such district and other parts of said county, not included in said district; *Provided*, such tax shall not exceed one-half of one per cent. of the taxable value of the property in such district.

SEC. 11. *Be it further enacted*, That any such special tax as may be levied by the commissioners court of said county under the provisions of this act shall be assessed and collected by the officers now authorized by law to assess and collect the state and county taxes of said county, and in the same manner and under the same laws now in force for the assessment and collection of other taxes in said county.

SEC. 12. *Be it further enacted*, That the tax collector of said county shall collect said special taxes, as provided in the preceding sections, and shall pay the same over to the county treasurer of said county, who shall hold said funds and keep them separate and apart from all other funds in his hands, and shall pay them out solely for the purposes set out in the preceding sections, under warrants issued by the commissioners court.

SEC. 13. *Be it further enacted*, That the commissioners of said county shall have power and authority to have such fence constructed, under the same rules and

Replevy  
bond

Special tax

Assessment  
and collec-  
tion

Funds shall  
be kept sep-  
arate

Construction  
of fence

regulations as now apply to the building of bridges or other public works in said county.

Approved February 18, 1891.

453]

AN ACT

[H. 827

For the relief of R. S. Gray, of Clay county.

Relief

*Whereas*, R. S. Gray, of Clay county, a disabled confederate soldier, duly filed his application for relief and for his *pro rata* share of the money appropriated by the state, and said application was lost or mislaid after being filed in the office of the probate judge of Clay county; therefore,

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of thirty-two and 99-100 dollars be appropriated to pay R. S. Gray, of Clay county for his *pro rata* share of the money appropriated to disable confederate soldiers for the years 1882-3-1884-5, and that the auditor be directed to draw his warrant on the state treasurer for thirty-two and 99-100 dollars in favor of said R. S. Gray.

Approved February 18, 1891.

454]

AN ACT

[H. 545

To require the commissioners court of Jefferson county to pay for assistance to the solicitor for said county in suppressing crime, out of certain funds in the county treasury.

Appropriation from county

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners' court of Jefferson county be, and the same is hereby authorized and required to appropriate out of the moneys in the county treasury, paid into said treasury as solicitor's fees, the sum of three thousand dollars per annum, to be paid out to assist the solicitor for Jefferson county in suppressing crime as hereinafter provided.

SEC. 2. *Be it further enacted*, That the solicitor for Jefferson county shall be authorized to employ a competent attorney to assist him in the prosecution of crime in said county, and to employ a clerk or stenographer in his office, to be paid out of the three thousand dollars specified in section 1 of this act, five hundred dollars per annum of which said sum shall be paid to the solicitor of the tenth judicial circuit for the ex-officio services rendered by him in said criminal court of Jefferson county; *Provided*, that said payment, except as to the solicitor of said 10th circuit, shall only be made upon the affidavit of the said solicitor that such services were necessary to aid him in the proper administration of the law.

Solicitor may employ assistant, and clerk

Pay to solicitor tenth circuit for ex-officio services

SEC. 3. *Be it further enacted*, That the commissioners court of Jefferson county may, in their discretion, upon the application of said solicitor, and approval of the judge of the criminal court of Jefferson county, pay out of the funds in the county treasury, paid in as solicitor's fees, any claim for expenses in the transportation of criminals or of state's witnesses from beyond the limits of this state, except in cases where a reward has been offered for a defendant.

Transportation of criminals, etc

SEC. 4. *Be it further enacted*, That the moneys required and authorized to be paid by this act shall, in no case, exceed the amount in the county treasury of the fund paid in as solicitor's fees, after paying the salary of the solicitor.

Approved February 18th, 1891.

455]

AN ACT

[H. 829

To amend an act entitled an act to define and prescribe a lawful fence in certain portions of the county of Madison, approved February 28th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections two and four of an act entitled an act to define and prescribe a lawful fence in certain portions of Madison county, approved February 28th, 1889, be amended so as to read as follows:

Lawful fence

Section 2. Be it further enacted, That the lawful fence as provided in this act shall be as follows, to-wit: To be constructed of barbed wire of three or more strands, the first wire to be twenty-one (21) inches from the ground, next two fifteen inches apart, the posts to be twenty (20) feet apart, and slats ten feet apart between the posts. Sec. 4. Be it further enacted, That all stock that may break through any fence constructed as provided under this act shall be sold to satisfy any judgment for damages that may be rendered by any justice of the peace of Madison county on a suit to recover damages committed by said stock; *Provided*, that no person living outside of the prescribed bounds shall be liable for damages for stock trespassing upon the lands within the boundary of said stock law, unless the party living inside of and along the line of said boundary shall build and keep up a good fence around said boundary for their protection, of either rail, plank, slat, or of seven strands of barbed wire, posts eight feet apart.

Stock liable  
for damages

Approved February 18, 1891.

456]

AN ACT

[H. 997

To ratify and confirm the charter and incorporation of The Talladega Gas Light and Water Company, and the acts done thereunder.

Charter  
confirmed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the organization and incorporation of The Talladega Gas Light and Water Company heretofore effected by and under proceedings had under the general laws of Alabama in the probate court of Talladega county, for the objects and purposes set forth in said proceedings, be and the same are hereby in all respects ratified and confirmed, and all acts of The Talladega Gas Light and Water Company thereunder are hereby confirmed, and the said The Talladega Gas Light and Water Company is hereby declared to be a body corporate for the purposes and with all the rights and powers set forth in said proceedings in the probate court of Talladega county.

Approved February 18th, 1891.

457]

## AN ACT

[H. 711

To establish the Sylvan Agricultural District, to authorize the erection of an outside fence, and to dispense with inside fences, and to levy taxes to erect said fences, and to defray all the current expenses of said district.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, there shall be established in the county of Tuscaloosa a district to be called the Sylvan Agricultural District to be bounded as follows, to-wit: Starting from the Black Warrior river at Foster's ferry on the Eutaw road, thence south along said road about one and three-fourths miles to a point about one-quarter of a mile from Foster's postoffice; thence in a direct line to the northeast corner of a tract of land belonging to J. L. Foster, and known as the Turner place; thence nearly south to a point on Grant's creek, about midway between Coker's bridge and Turner's bridge on said creek; thence across said creek to Mrs. Morgan's place on the edge of the Warrior bottoms; thence along the edge of said bottoms or swamp to a place owned by W. P. Pinckard, and known as the Brady quarters; thence direct to the lower Eutaw road, at a point where said road enters a field known as the Edden's potato patch; thence along said Eutaw road to the Greene county line; thence along said county line to the Black Warrior river; thence along the course of said river to said Foster's ferry.

Stock law  
district

Boundaries

SEC. 2. *Be it further enacted*, That an election shall be held at some convenient place in said district, or at the polling place of precinct 22 of said county on the first Monday in July next; and at the same time in each succeeding year, to commence at twelve o'clock, noon, and close at four o'clock in the afternoon of the same day, for five commissioners for said district, who shall hold their office for one year and until their successors are duly elected and qualified, which election shall be held by any three of said commissioners having first given notice of the time and place of said election in one of the county papers at least ten days beforehand.

Election

Commis-  
sioners SEC. 3. *Be it further enacted*, That until the first annual election is held, H. F. Hill, C. S. Quarles, Stewart A. Skarpe, A. J. Townsend and John W. Jones, Sr., are appointed and empowered to act as said commissioners.

Vacancies SEC. 4. *Be it further enacted*, That in the event a vacancy should arise in said board of commissioners by the death, resignation, refusal to act, removal or sale of landed interest in said district, the remaining commissioners at their next regular meeting thereafter shall have power to fill such vacancy, and such commissioner when so elected shall hold office until the next annual election thereafter.

Land owners  
can vote SEC. 5. *Be it further enacted*, That all persons who are land owners in said district, either in person or by their accredited agents, shall be entitled to vote at the said annual election for commissioners.

Fence SEC. 6. *Be it further enacted*, That on the boundary line of said district there shall be constructed and erected one good and lawful outside fence, except on that portion bounded by the river and the Greene county line with all such gates, bars and outlets as may be necessary, so that persons traveling into or out of said district on the public or private ways be not impeded or hindered; *Provided*, that on all public or private roads leading into or out of said district, gates may be erected to prevent stock at large from trespassing therein.

Control of  
district SEC. 7. *Be it further enacted*, That the said commissioners shall have the entire control over said fence or inclosure, and the gates and other outlets thereon; may direct where said fence shall be located or placed, how it shall be built, and in general superintend and direct all matters relating thereto; *Provided*, that after said fence shall have been established any person who willfully leaves said gates, bars or other outlets thereon open, so that stock at large may enter and trespass on said district, shall be guilty of a misdemeanor, of which justices of the peace and notaries public with like powers in and for precinct 22 of said county, shall have jurisdiction, and upon conviction shall be fined not less than five dollars.



SEC. 8. *Be it further enacted*, That the commissioners court of the county of Tuskaloosa shall, at the request of the commissioners of said district, in addition to the taxes for county purposes, levy and cause to be collected, a tax not to exceed one-half of one per cent. on the assessed value of all the lands within the bounds of said district for the first year, beginning on the first day of January, A. D., 1891; and one-half of that amount for each succeeding year; the first assessment to be made within 30 days after the passage of this act, or as soon thereafter as practicable, and to be due and payable, and to be collected with like remedies as are provided for the state and county taxes, which said tax shall be assessed by the county assessor and collected by the tax collector of said county, and when so collected, shall be paid over by said collector to the commissioners of said district; *Provided*, that the said tax collector shall be liable on his official bond for the faithful collection of and accounting for said tax. Special tax

SEC. 9. *Be it further enacted*, That said commissioners of said district shall expend the money collected as aforesaid, or so much of it as may be necessary, in building and keeping in good repair the fence around said district; in building pounds, in payment of such other expenses as they may deem expedient to incur on or about such inclosure. Expenditures

SEC. 10. *Be it further enacted*, That within said district no person shall permit his stock of any kind or description to go at large; any animal of any kind or description found at large trespassing outside of the land of the person to whom it may belong on the land of any other person in the district may be taken up and carried to a pound, and the owner may reclaim the same by the payment of such fees and compensation as the commissioners of the district may, in their rules and regulations establish, which they are hereby authorized and empowered to do. Stock at large

SEC. 11. *Be it further enacted*, That said commissioners shall establish one or more pounds, at convenient places, for receiving all estrays and stock trespassing or found at large in said district; fix upon such fees and compensation as they may deem proper for the receiving and keeping such animals; appoint suitable Pounds

persons to take charge of and keep up said pounds and adopt such rules and regulations as they may consider necessary for the management and government of the same.

When act  
takes effect      SEC. 12. *Be it further enacted*, That the provisions of this act contained in sections 10 and 11 relating to estray animals, and impounding the same, can not be enforced until 30 days after the passage of this act, and until said outside fence is completed; that no

Maximum  
fee      greater fee than two dollars each cow can be charged for impounding stock, and no other costs than reasonable charges for feeding and attending to said impounded stock; *But it is provided*, that in case any stock is impounded as provided for in this act, which have caused damage to any crops within said district, by trespassing thereon, then the owner thereof must

Payment of  
damage      first pay the amount of said damage to the owner of said crop before he can reclaim said stock, the said damage to be estimated by the said district commissioners, or any three of them; *and it is provided*, that any party may appeal from the award of said commissioners to the circuit court, in the same manner that appeals are allowed from justices of the peace; *and it is further provided*, that, in case the stock impounded under this act is not called for within ten days after impounding, or in case the owner fails for ten days to pay the costs and charges of impounding and the damages awarded for injury to crops, unless said

Appeal      award be appealed to the circuit court, in which case the owner, upon executing the appeal bond and paying fees and costs of impounding, may reclaim said stock, the pound-keeper who has charge of the stock, may

Sale of stock      advertise the same for sale as follows, to-wit: If the owner be unknown, then the same must be advertised in some paper published in Tuskaloosa county for one week; but if the owner be known, then said advertisement must be for one week by written poster at Foster's postoffice and Sylvan postoffice; but the former notice shall only be required in case of horses, mules and cows. After said advertisement is completed, the pound keeper shall sell said stock for cash at the pound where said stock is held. *It is further provided*, that the proceeds arising from said sales shall be ap-

plied as follows by the pound-keeper making the same: First, to the payment of the costs of the sale; second, to the payment of the fees and charges of the pound-keeper, and third, to the payment of the damages chargeable to said stock, if any there be; and in case a surplus should remain, then the said pound-keeper shall pay over the same to the commissioners of said district. Application of proceeds

SEC. 13. *Be it further enacted*, That the said commissioners shall not receive any compensation or pay for their services while employed in the duties of their office; but they shall have the power to appoint such superintendent and agents for carrying into effect the provisions of this act as they may deem necessary, and fix their compensation. Power of comm'rs

SEC. 14. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, so far as the said district is concerned, be and the same are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

458]

AN ACT

[H. 651

To provide for the protection and preservation of game animals and birds in Fayette county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful, at any place in the county of Fayette, to catch, kill or injure, or to pursue with such intent, any wild buck, doe or fawn, or any wild turkey, between the first day of March and the first day of October. Protection of game

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than twenty-five dollars for each violation, and justices of the peace shall have jurisdiction in the trial of cases under this act. Penalty

Approved February 18, 1891.

459]

AN ACT

[H. 249]

To require all fines and forfeitures in criminal cases in the counties of Jefferson and Lee to be paid in lawful money.

Fines, etc.,  
must be paid  
in money

SECTION 1. *Be it enacted by the General Assembly of Alabama*, that from and after the passage of this act, all fines imposed and forfeitures declared in the counties of Jefferson and Lee shall be paid in lawful money of the United States and not otherwise; *Provided, however*, that the provisions of this act shall not apply to fines assessed or forfeitures declared previous to the enactment hereof.

Laws in con-  
flict repealed

SEC. 2. *Be it further enacted by the General Assembly of Alabama*, That section three (3) of an act entitled "an act regulating fines and forfeitures in Jefferson and Monroe counties," approved February 23d, 1883, so far as the same applies to Jefferson county, and all other laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 18, 1891.

460]

AN ACT

[H. 1039]

To regulate the bonded indebtedness of Pickens and Tallapoosa counties.

County  
treasurer  
must keep  
register

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the courts of county commissioners of Pickens and Tallapoosa counties shall require the treasurers of said counties to keep a register, wherein he shall record the bonded indebtedness of Pickens and Tallapoosa counties, giving the number and date and amount of said bonds and coupons attached thereto.

Must adver-  
tise

SEC. 2. *Be it further enacted*, That it shall be the duty of the treasurers of Pickens and Tallapoosa counties to advertise for once a week for four consecutive weeks in some daily newspaper of general circulation, published in the City of New York, as well as in

some newspaper published in the county of Pickens, calling upon the holders of said bonds and coupons to register the same.

SEC. 3. *Be it further enacted*, That all bonds and coupons not so registered within twelve months from and after the passage of this act, shall be forever barred; *Provided*, that this act shall not apply to any new bonds issued in compromise of what is known as the railroad indebtedness of said counties.

Bonds not  
registered,  
barred

Approved February 18, 1891.

461]

AN ACT

[H. 679

To remove the disabilities of non-age of John S. Pollard, a minor.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the disabilities of non-age of John Scott Pollard, a minor under eighteen years of age, be, and the same are hereby removed, and the said minor is hereby vested with all the powers and capabilities, excepting the capacity to vote, and is hereby made subject to all the duties and responsibilities pertaining to citizens of this state over twenty-one years of age.

Removal of  
disabilities  
of non-age

Approved February 18, 1891.

462]

AN ACT

[H. 689

To fix the compensation of county commissioners of Calhoun County, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county commissioners of Calhoun county shall receive three dollars and a half per day for each day of actual service rendered, and five cents per mile for traveling to and from the sittings of the court, and such ferriage or toll as they may have paid in such traveling.

Compensation

SEC. 2. *Be it further enacted*, That all laws and

parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 18, 1891.

463]

AN ACT

[H. 20

To prevent the keeping of cock-pits, and publicly fighting cocks in the State of Alabama.

Penalty for  
cock fighting

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, any person who keeps a cock-pit, or who in any public place fights cocks, must, on conviction, be fined not less than twenty nor more than fifty dollars for each offense.

Justices of  
the peace  
have juris-  
diction

SEC. 2. *Be it further enacted*, That justices of the peace shall have jurisdiction over offenses defined in the preceding section.

Laws in con-  
flict repealed

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

464]

AN ACT

[H. 988

To authorize and empower the Court of County Commissioners of the counties of Monroe and Escambia to levy and collect a tax on all dogs owned or kept in said counties.

One dollar  
tax on dogs

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the court of county commissioners of Monroe and Escambia counties in this state, be and they are hereby authorized and empowered to levy and collect a license tax of one dollar per capita upon each dog, out of the owner or keeper of any dog in the counties of Monroe and Escambia, which when collected shall be paid into the county treasury as other



county revenues are now paid into the treasury of said counties.

SEC. 2. *Be it further enacted*, That the tax assessor of said counties shall assess said dog tax in the same manner that other taxes are now assessed, and shall require each tax-payer to answer under oath whether or not he is the owner or keeper of any dog in said counties, and if so, how many dogs, and whether or not he is the parent or guardian of any minor, or agent of any person so owning or keeping any dog on his premises, and shall list said dog or dogs against said parent or guardian or agent and assess the same against him as such. Duty of  
tax assessor

SEC. 3. *Be it further enacted*, That the tax collector of said Monroe and Escambia counties, shall collect the license tax assessed under the provisions of this act at the same time and in the same manner as other state and county taxes are now collected, and shall assess and collect escaped in the same manner that the escaped taxes are now assessed and collected. Duty of  
tax collector

SEC. 4. *Be it further enacted*, That the county treasurers of said counties shall keep the money raised under the provisions of this act separate from other funds in his hands and pay out the same upon the order of the court of county commissioners in such manner as the court may direct. Separate  
fund

Approved February 18, 1891.

465]

AN ACT

[H. 881

To declare certain lands in Greene county in this state, now belonging to T. W. Cobb, Mary Cobb, Mary E. Walker and Amenias J. Upchurch, a district in which stock shall be prevented from running at large, and to provide that the provisions of an act, entitled an act to authorize the commissioners court of Greene county, to establish district in which stock may be prevented from running at large, approved February 17th, 1885, shall be applicable to said district.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following described lands in

Stock law  
districts

Greene county in this State viz: East half of southeast quarter, section twenty, north half of southeast quarter, section nineteen, south half, section thirty, less fifty-five acres off the west east corner, and twenty acres off of the southeast corner, southeast quarter of southwest quarter of section nineteen, and west half of southwest quarter of southeast quarter section nineteen, and the west half of the northeast quarter of section thirty, and the east half of the northwest quarter of section thirty, and the southeast half of west half of the northwest quarter of section thirty, all in township twenty-three, range two east, shall be declared a district in which stock shall not be allowed to run at large within the meaning of an act, entitled an act to authorize the commissioners court of Greene county, to establish districts in which stock may be prevented from running at large, approved February 17, 1885. To all intents and purposes as if said districts had been established in accordance with the provisions of said act.

Laws in conflict repealed

SEC. 14. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 18, 1891.

466]

AN ACT

[H. 826

\* To change the name of the Ashland Educational Company, and to grant additional powers.

Name  
changed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the name of the Ashland Educational Company, a body corporate under the general laws of the State of Alabama, be and the same is hereby changed to the Ashland College.

Annual  
meetings

SEC. 2 *Be it further enacted*, That the stockholders of the Ashland college shall meet annually at such time as they may select, and elect a board of trustees who shall elect one of their members president of the board.

SEC. 3. *Be it further enacted*, That the said Ash-

land college may, by and through its board of trustees and faculty grant and issue diplomas and certificates of proficiency such as they deem proper and confer degrees on students. Diplomas,  
etc

SEC. 4. *Be it further enacted*, That the school authorities may at their discretion, arrange with said Ashland college to carry on a public school; *Provided*, said public school shall be fully under the direction of the school authorities of the county of Clay, and of the State of Alabama, and shall be governed by the general school laws. Public  
school

Approved February 18, 1891.

467]

AN ACT

[H. 520

To amend an act entitled an act for the preservation of game animals, birds and fish in Macon county, approved February 11th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act for the preservation of game animals, birds and fish in Macon county, approved February 11th, 1889, be, and the same is hereby amended so as to read as follows: Section 1. That it shall be unlawful at any place in the county of Macon to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the first day of February and the first day of October; and it shall be unlawful to catch, kill, injure, or pursue with such intent, any wild turkey, between the first day of April and the first day of October, or to remove or destroy eggs from the nest of the same at any time; and it shall be unlawful to trap or pen any wild turkey at any time; and it shall be unlawful to catch, kill, injure, or pursue with such intent, any turtle dove, sometimes called mourning dove, between the fifteenth day of March and the first day of July; and it shall be unlawful to catch, kill, injure, or pursue with such intent, any quail, sometimes called a partridge between the first day of April and the fifteenth day of October, or to break up, or destroy the nests of the same by removing the eggs therefrom.

Protection of  
game

Dams  
unlawful

SEC. 2. *Be it further enacted*, That it shall be unlawful for any one to erect or construct dams across any of the streams or water courses in Macon county for the purpose of trapping fish, in such manner as to prevent the passage of fish in said streams, or water-courses, either up or down said streams, or by muddying or poisoning destroy the fish in said streams, or lakes or ponds adjacent to said streams.

Penalty

SEC. 3. *Be it further enacted*, That any violation of this act shall be punished, complaint thereof being made to the judge of the county court, justices of the peace or notary publics, with powers of justices of the peace, by fine not less than three nor more than twenty dollars, defendants being convicted of said violations by competent proof. *And it is further provided*, that in case of conviction under this act, by either of the officers named above, it shall be lawful to sentence the person or persons so convicted upon the non-payment of the fine and costs to hard labor for the county for a sufficient time to pay the same at the rate of not less than thirty nor more than forty cents per day.

Approved February 18, 1891.

468]

AN ACT

[H. 825

For the relief of the estate of Mary W. Hunter.

Relief

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That C. D. Hunter, who is the son and sole heir of Mary W. Hunter, is hereby authorized and empowered to sell or otherwise dispose of the property, real and personal, belonging to the estate of said Mary W. Hunter at public or private sale as to him may seem best, and generally to manage said estate as if the same was his individual property, and said C. D. Hunter is hereby relieved from the expense and necessity of any order of court or court proceedings authorizing, directing or approving any of his acts or doings concerning said estate as hereinbefore authorized.

Approved February 18th, 1891.

To provide for the support of the indigent soldiers and sailors of the late confederate states army and navy who are now bona fide citizens of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, Alabama.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That no worthy soldier or sailor of the late confederate states army or navy shall be placed in the county poor house of Greene, Limestone, Elmore, Lee, Franklin, Hale, Wilcox and Barbour counties, but in lieu thereof shall be supported by the county as hereinafter provided. Not to be placed in poor house

SEC. 2. *Be it further enacted*, That it shall be the duty of the board of county commissioners of said counties to appropriate to each indigent soldier or sailor of the late confederate states army or navy such sums as they deem necessary and reasonable, and as the necessities of the case require, which said sum shall be paid monthly; *Provided*, that no appropriation shall be made unless the applicant is without the means of support, and his needs are urgent. County assistance when needs are urgent

SEC. 3. *Be it further enacted*, That all appropriations to said sailors or soldiers under the provisions of this act are to be made or withheld at the discretion of the commissioners court; *Provided*, that in cases of urgent necessities, the judge of probate in vacation may contract for the immediate maintenance of an applicant, but not beyond the next term of said commissioners court. Discretion of commr's  
Judge of probate

SEC. 4. *Be it further enacted*, That no soldier or sailor not a resident citizen of said counties at the date of the passage of this act shall be allowed to participate in the benefits herein conferred. Must be resident citizen

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and they are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

For the relief of F. M. Harrison, T. D. Hendricks, R. F. Grimes, W. J. Flemming, William King, J. B. Lolly, Sarah Barbaree, Luke Farmer, S. Spurlock, P. G. Simmons and J. W. Carroll, settlers on the public lands of the state, in Coffee county.

Preamble

*Whereas*, F. M. Harrison, T. D. Hendricks, R. F. Grimes, W. J. Flemming, William King, J. B. Lolly, Sarah Barbaree, Luke Farmer, S. Spurlock, P. G. Simmons and J. W. Carroll, of Coffee county, did go upon and make settlement on certain lands lying in Coffee county, with the view of homesteading the same under the laws of the United States; and whereas, after such settlements, but before filing their respective applications in the land office at Montgomery, said lands were certified to the State of Alabama, in lieu of swamp and overflowed lands and now belong to the state; therefore,

Governor to  
make sales  
of lands

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor be, and is hereby authorized to make sales of said lands to said settlers, respectively, on such terms as may be agreed upon, and on the payment of the purchase money, to issue patents therefor; *Provided*, that the sale to each of said persons shall be of the land so settled by him, not exceeding one hundred and sixty acres.

May employ  
an agent

SEC. 2. *Be it further enacted*, That the governor may, if he deem advisable, employ an agent on the part of the state, to examine said lands, and to aid the governor in arriving at their value.

Approved February 18th, 1891.

To amend section two of an act to incorporate the Anniston Loan and Trust Company of Anniston, Alabama, approved February 28, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act to incorporate



The Anniston Loan and Trust Company of Anniston, Alabama, be amended so as to read as follows, viz: Section 2. Be it further enacted, That said company <sup>Powers</sup> shall have and possess the following powers, namely: To have perpetual succession; to contract and be contracted with; to loan money upon real estate or personal security, or on such security as it may approve, to buy hold, acquire, enjoy, sell and convey, improve, lease, rent, mortgage all such real estate as it may desire or become possessed of in the management of its business, or for any purpose for which said company may desire to use or deal in the same; to issue notes, bills of exchange, mortgages, or bonds secured by mortgages, on its real and personal property or other collaterals it may have in the transaction of its business, possessing in such respects the same powers as individuals now enjoy. The said company as incidental to its business is authorized to discount paper, buy and sell exchange, negotiate loans and receive and pay out deposits. That said company shall have and possess the following powers namely: 1. To have perpetual succession; to contract and be contracted with; to loan money upon real estate or personal security, or on such security as it may approve; to buy, hold, acquire, enjoy, sell and convey, improve, lease, rent, mortgage, all such real estate as it may desire or become possessed of in the management of its business or for any purpose for which said company may desire to use or deal in the same; to execute and issue its notes and debentures, payable at a future date, bills of exchange, mortgages, or bonds secured by mortgages on its real and personal property, or such other collaterals as it may have in the transaction of its business, possessing in such respects the same powers as individuals now enjoy. 2. To discount paper, buy and sell exchange, negotiate loans, and receive and pay out deposits. 3. To subscribe for, hold, own, buy and sell stock of other corporations. 4. To receive money in trust and to accumulate the same at such rates of interest as may be obtained or agreed on, or to allow such interest as may be agreed on, not exceeding in either case the legal rate. 5. To accept and execute all such trusts and perform such duties of every description as

## Powers

may be committed to it by any person or persons whatsoever, or any corporation, or that may be committed or transferred to it by order of the courts of record of this state or other states, or of the United States. 6. To take and accept by grant, assignment, transfer, devise or bequest, and hold real or personal estate or trusts created in accordance with the laws of this state or of the United States, and execute such legal trusts in regard to the same upon such terms as may be declared, established or agreed upon in regard thereto, or execute or guarantee any bond or bonds required by law to be given in any proceeding law or equity in any of the courts of this state or other states or of the United States. 7. To act as agent for the investment of money for other persons, and as agents for persons and corporation for the purpose of issuing, registering, transferring or countersigning the certificates of stock, bonds or evidences of debt of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon. 8. To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and to act as agent for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies. 9. To act as curator or guardian of any infant or insane person under appointment of any court of record having jurisdiction of the person or estate of such infant or insane person. 10. To buy and sell all kinds of government, state and municipal and other bonds, and all kinds of negotiable and unnegotiable paper, stocks and other investment securities.

Approved February 18, 1891.

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[472]

AN ACT

[H. 376]

To create a separate school district of certain fractional townships in Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That those portions of township sixteen,

range ten, and township sixteen, range eleven, which lie south and east of the Alabama river, in Dallas county, be and the same are hereby constituted a separate school district. Separate  
school dis-  
trict

SEC. 2. *Be it further enacted*, That the said separate school district be under the jurisdiction of a superintendent, to be appointed by the superintendent of education of said county, as other township superintendents are appointed, with the same powers, duties and rights, as other township superintendents have and exercise. Superinten-  
dent

Approved February 18, 1891.

473]

AN ACT

[H. 293]

To change the time of taking up the criminal docket in the circuit court of Marion county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the criminal docket in the circuit court of Marion county shall be taken up on Wednesday of the term. Criminal  
docket

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 18, 1891.

474]

AN ACT

[H. 422]

To authorize the mayor and councilmen of the town of Avondale, to issue bonds of said town for an amount not exceeding fifteen thousand dollars for the purpose of building a school house, paying floating debt of the town, improving the streets, constructing sewers, and making other permanent improvements in said town, and in buying a lot and building for a school house for colored school.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and councilmen

Authority to  
issue bonds

of Avondale, be and they are hereby authorized to issue bonds of said town of Avondale, to an amount not exceeding fifteen thousand dollars or so much thereof as said board may deem necessary for the purposes hereinafter named in denominations of not less than five hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached bearing interest at a rate not exceeding six per cent. per annum, and payable semi-annually to bearer; said bonds and coupons being payable in gold of the present standard weight and fineness in the city of New York, at some bank designated by the board.

Signed by  
mayor and  
treasurer, etc

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said town, and the seal of the town shall be affixed thereto, and the town treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Authority to  
carry out  
powers

SEC. 3. *Be it further enacted*, That the said mayor and councilmen of Avondale are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof, shall be receivable for all dues to the town in the way of taxes and otherwise.

May negoti-  
ate and sell  
bonds

\*SEC. 4. *Be it further enacted*, That said mayor and councilmen of said town of Avondale, are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town, to be used and applied as follows, viz.: First, Five thousand and dollars of the amount first realized from the sale of said bonds shall be used in completing and furnishing the school house in said town, and providing necessary outbuildings, fences etc., for the safe and convenient use of same; said sum to be expended under the directions and on the order of the board of educa-

Application  
of proceeds

tion of Avondale. Second, The balance of the funds derived from the sale of said bonds shall be used in constructing necessary sewers in said town, grading and improving the streets, in paying the floating debt of the town now outstanding, not to exceed two thousand five hundred dollars,, and in buying lot and building school house for colored school.

SEC. 5. *Be it further enacted*, That the use, payment and application of said money shall be under the direction of the board of mayor and councilmen, except the five thousand dollars first realized from the sale of bonds, which shall be under the direction of the board of education of Avondale; and the treasurer of said town shall be responsible for the safe keeping of the funds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other town funds; and there shall be no commissions paid said treasurer for securing or disbursing the funds arising from the sale of the bonds named in this act.

Disburse-  
ments

SEC. 6. *Be it further enacted*, That the bonds herein provided for shall have priority over all bonds of said town hereafter to be issued, and it shall be the duty of said mayor and councilmen of Avondale to provide for the payment of same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said town.

Priority over  
other bonds

Approved February 18, 1891.

475]

AN ACT

[H. 923

To amend section one of an act approved January 16th, 1879, and entitled "an act to amend section twelve of an act to establish a new charter for the town of Union Springs, Alabama, approved February 1st, 1876.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act approved January 16th, 1879, and entitled "an act to amend an act entitled an act to amend section twelve of an act to establish a new charter for the town of Union Springs,

Section of  
charter  
amended

Alabama, approved February 1st, 1876, and which amendment reads as follows, to wit: Sec. 12. Be it further enacted, That said town council shall have power and authority annually to assess, levy and collect, within its limits, all the revenues necessary for its government as follows: "On all real estate or personal property they shall have the right to levy a tax not to exceed one half of one per cent. on the value of such property as assessed for state taxation during the preceding year; on every cart, dray, wagon or other vehicle used for the transportation of goods, sand, lumber, brick or other commodities or persons for pay within the boundaries of said town a license not exceeding twenty-five dollars per annum; on every retailer of spirituous or vinous liquors in less quantities than a quart, a license not more than two hundred nor less than one hundred dollars; on every vender in spirituous or vinous liquors in quantities of a quart or upwards, a license not more than two hundred nor less than fifty dollars; *Provided*, the person or persons applying for license to retail or sell spirituous or vinous liquors, in any quantity, shall present an application recommended by three respectable freeholders of said corporation; *And provided further*, that a license shall not be required of druggists and apothecaries who sell spirituous or vinous liquors solely and entirely for medicinal purposes, and upon a certificate of a practicing physician; on every baker-shop, a license not less than five nor more than ten dollars; on every daguerrean gallery, or similar artistic business, and drawing saloon, a license not less than two nor more than five dollars; on each billiard, pool, bagatelle, or other table set up and kept for playing in public houses, a license not less than ten or more than fifteen dollars for each table; on auctioneers, peddlers, hawkers or traffickers, a license of not less than five nor more than one hundred dollars; on gross amount of sales of auctioneers, a per cent. not less than one nor more than ten; *Provided*, this shall not apply to the sale of provisions, vegetables, fruits, poultry, or any kind of country produce; on ten-pin alleys, or alleys with any number of pins, a license not less than ten nor more than fifteen dollars; on theatres, music



shows, and exhibitions, a license not less than five nor more than fifteen dollars for each separate paying performance, day or night; on lectures, when admission is charged, a license not less than two nor more than ten dollars for each lecture; on circuses, for each separate performance—morning, noon and night—not less than fifteen nor more than thirty dollars; on the gross amount of sales of merchandise of any sort made by any person engaged in the business of selling, a tax not exceeding one per cent.; on the sales of any other personal property made by any person or persons engaged in the business of selling such property, a tax not exceeding one per cent.; on personal property, a tax not exceeding one per cent.; on the annual gains, profits, or income of any person or persons residing in said town who are not specially taxed, on all merchandise, sales, on all other items and occupations subject to state tax, not to exceed the amount taxed by the state; *Provided*, that nothing in this act shall apply to the salaries of ministers of the gospel who are regularly engaged in the work," be and is hereby amended so as to read as follows, to-wit: Section 12. Be it further enacted, That said town council shall have power and authority, annually to asses, levy and collect, within its limits, all the revenues necessary for its government, as follows: On all real estate and personal property, they shall have the right to levy a tax not to exceed one-half of one per cent. on the value of such property as assessed for state taxation during the preceding year; *Provided*, that nothing in this act contained shall be so construed as to repeal or interfere with the effect of an act approved February 9th, 1877, and entitled an act to authorize the mayor and council of the town of Union Springs, Alabama, to adjust and compromise the bonded indebtedness of said town. And said town council shall have the power and authority to grant licenses for the sale of spirituous, vinous or malt liquors within said town; and also to regulate, restrain or prohibit the sale of spirituous, vinous or malt liquors within said town when deemed expedient, and the license for every retailer of spirituous, vinous or malt liquors in less quantities than one quart shall be not more than fifteen hundred dollars nor less than five

Section of  
charter  
amended

Amendment  
to charter

Amendment  
to charter

hundred dollars, and for every vender of spirituous, vinous or malt liquors in quantities of a quart or upwards the license shall be not more than one thousand dollars or less than two hundred dollars; *Provided further*, the person or persons applying for a license to retail or sell spirituous, vinous or malt liquors in any quantity shall present an application recommended by three respectable freeholders of said corporation; *And provided further*, that a license shall not be required of druggists who sell such liquors solely and entirely for medicinal purposes, and upon a certificate of a practicing physician; *And provided further*, that said corporation, or its corporate authorities shall not have power to license the sale of spirituous, vinous or malt liquors within said town while any general or special law is in force within any district or territory covering or including said town of Union Springs; and any and all liquors brought within the limits of said corporation, or made or kept there for sale in violation of law, shall be subject to seizure and forfeiture under such rules and regulations as may be lawful that may be prescribed by the corporate authorities of said town; and said town council shall have power and authority to impose a license on every cart, dray, wagon or other vehicle used for the transportation of goods, sand, lumber, brick or other commodities or persons for pay within the boundaries of said town not exceeding twenty-five dollars per annum; on every baker shop a license not less than five nor more than ten dollars; on each daguerrean gallery or similar artistic business and drawing room, a license not less than two nor more than five dollars; on each billiard, pool, bagatelle or other table set up and kept for playing in public houses, a license not less than ten nor more than fifteen dollars, for each table; on auctioneers, peddlers, hawkers or traffickers, a license not less than five nor more than one hundred dollars; on gross amount of sale of auctioneers, a per cent not less than one or more than ten; *Provided*, this shall not apply to the sale of provisions, vegetables, fruit, poultry, or any kind of country produce; on ten pin alleys with any number of pins a license not less than ten nor more than fifteen dollars, on theatres, music shows or exhibitions, a license not

less than five or more than fifteen dollars, for each separate paying performance, day or night; on lectures when admission is charged, a license not less than two nor more than ten dollars for each lecture; on circuses, for each separate performance, morning, noon or night not less than fifteen nor more than thirty dollars; on the gross amount of sales of merchandise of any sort made by any person engaged in the business of selling, a tax not exceeding one per cent; on the sales of any other personal property, made by any person or persons engaged in the business of selling such property, a tax not exceeding one per cent; on personal property a tax not exceeding one per cent; on the annual gains, profit or income of any person or persons, residing in said town who are not specially taxed; on all merchandise sales, and upon all salaries and fees of public officers and upon the salaries of all other persons over five hundred dollars, not to exceed one per cent on the excess thereof; and all other items and occupations subject to state tax not to exceed the amount taxed by the state; *Provided*, that nothing in this act shall apply to the salaries of ministers of the gospel who are regularly engaged in the work.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; *Provided however*, that said town of Union Springs shall not have the power to levy a greater tax rate upon any property under the provisions of this act, than the one per cent allowed by the constitution, except to pay debts existing at the time of the adoption of the present constitution of Alabama.

Laws in conflict repealed

Rate of tax

SEC. 3. *Be it further enacted*, That this act shall be operative from the date of its passage.

Approved February 18, 1891.

476]

AN ACT

[H. 1004

To amend section one and two of an act entitled an act for the preservation of game animals and birds in the counties of Sumter and Chilton, approved February 23, 1887, so far as the same relates to Sumter county.

Sumter  
county; pro-  
tection of  
game

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act entitled an act for the preservation of game animals and birds in the counties of Sumter and Chilton, approved February 23d, 1887, so far as the same relates to Sumter county, be amended so as to read as follows: That it shall be unlawful in the county of Sumter to catch, kill, injure, or pursue with such intent, any buck, deer, doe or fawn between the first day of April and the first day of October.

SEC. 2. *Be it further enacted*, That section 2 of said act be amended so as to read as follows: That it shall be unlawful to catch, kill, injure, or pursue with such intent, any wild turkey, between the first day of May and the fifteenth day of September, and it shall be unlawful to catch, kill, injure, or pursue with such intent, any turtle dove, between the fifteenth day of March and the first day of August; and it shall be unlawful to catch, kill, injure, or pursue with such intent, any partridge or quail between the first day of April and the first day of November.

Approved February 18, 1891.

477]

AN ACT

[H. 625

To relieve Thomas W. Oliver, junior, of Montgomery county, Alabama, of the disabilities of non-age.

Relief from  
disabilities  
of non-age

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Thomas W. Oliver, junior, a minor seventeen years of age, residing in Montgomery county, be, and is hereby relieved from the disabilities of non-age, and is hereby vested with the right to sue

and be sued, contract and be contracted with, to buy, sell and convey real and personal property, and general to do and perform all acts which such minor could lawfully do if twenty-one years of age.

Approved February 18, 1891.

478]

AN ACT

[H. 852

To authorize Mary F. Churchwell, widow of David Churchwell, deceased, to sell lands at private sale, belonging to the estate of said David Churchwell, deceased.

SECTION 1. *Be it further enacted by the General Assembly of Alabama*, That Mary F. Churchwell, widow of David Churchwell, deceased, is hereby authorized and empowered to sell the lands belonging to the estate of David Churchwell, deceased, at private sale, and to make and execute deeds of conveyance to the purchaser thereof.

Authority to  
sell lands

Approved February 18, 1891.

479]

AN ACT

[H. 641

To validate the bonds issued by the corporate authorities of the city of Anniston, bearing date June 1st, 1887.

*Whereas*, an act of the General Assembly of Alabama, entitled an act to amend section 3 of an act entitled an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4th, 1879, approved February 14th, 1887, authorized the mayor and city council of Anniston to issue in its corporate capacity, coupon bonds of the city of Anniston to the amount of one hundred thousand dollars, payable thirty years from date of issuance bearing interest at the rate of six per centum, payable semi-annually; and,

Preamble

Preamble

*Whereas*, in accordance with the authority supposed to have been conferred by such act, the corporate authorities of the city of Anniston, styled, "Mayor and City Council of Anniston," did, on the 13th day of May, 1887, pass an ordinance providing for the issuance of two hundred negotiable bonds of the par value of five hundred dollars each, bearing date the 1st day of June, 1887; and

*Whereas*, said bonds were sold and the proceeds therefrom was covered into city treasury and expended by the corporate authorities in improving the streets of said city, building municipal and school buildings and for other corporate purposes; and

*Whereas*, said act of the General Assembly has been declared unconstitutional and void by the supreme court of Alabama, and by reason thereof the said bonds are recognized as, and are invalid and void; now therefore to make such bonds valid, and to require the mayor and city council of Anniston to pay the said bonds and the interest coupons thereto attached when the same become due:

Bonds valid  
and binding

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the negotiable bonds of the city of Anniston, numbered from one to two hundred, inclusive, bearing date of June 1st, 1887, signed by the mayor and treasurer and bearing the corporate seal of the city of Anniston of the par value of five hundred dollars each, maturing thirty years from date of issuance and bearing interest at the rate of six per centum, payable semi-annually, together with the interest coupons which have not been paid, shall be, and the same do constitute a claim against and an indebtedness of the mayor and city council of Anniston, in the manner and form as set forth on the face of said bonds and interest coupons; and said bonds and interest coupons shall in all respects be negotiable, valid and binding, and an evidence of the indebtedness of the mayor and city council of Anniston as shown on said bonds and interest coupons as fully and completely as if the same had been issued under valid legislative authority.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 18th, 1891.



480]

AN ACT

[H. 11

To establish a separate school district in Dale county, Alabama, to be known as The Deans School District.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby created in Dale county, Alabama, a separate school district to be known and called Deans School District in the territory bounded and described as follows, viz: Beginning at the northeast corner of section six, township seven, range twenty-four, in said county of Dale, thence south to the southeast corner of section eighteen, in said township and range, thence west to the southwest corner of section thirteen, thence north to the northwest corner of said section thirteen, thence to the northwest corner of section eleven, in said township and range, thence west to the southwest corner of section four, in said township and range, thence north to Pea river, thence northeast with said river to the Barbour county line, thence east along said line to the point of beginning.

Deans school district

SEC. 2. *Be it further enacted*, That the county superintendent of education of Dale county, shall appoint three trustees for said school district, who shall perform all the duties now incumbent on township superintendents as to public schools in said district, and the said county superintendent of education shall apportion to said school district the school funds in the same manner as is now provided by law for township and other school districts, and said school district shall in all respects be governed and controlled as townships now are.

Trustees

Approved February 18, 1891.

481]

AN ACT

[H. 714

To provide for a registration of all claims against the fine and forfeiture fund of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That upon the approval of this act it shall

Duty of  
county  
treasurer

become the duty of the county treasurer of Franklin to give notice by publication in any newspaper published in said county for five consecutive weeks, that after the expiration of sixty days from the first insertion of said notice, within which time all persons holding registered claims against the fine and forfeiture fund of said county are required to present to said treasurer memoranda of such registered claims, giving date, amount, number and date of registration.

New registra-  
tion of  
claims

SEC. 2. *Be it further enacted*, That after the expiration of said sixty days, said treasurer shall proceed to register all claims presented, or of which proper memoranda shall have been given to satisfy him of the actual existence and validity of said claims, making a new registration thereof, giving preference in such new registration to claims actually presented according to the priority of their old numbers of registration, and such treasurer shall thereafter pay said claims in the order of their new registration; *Provided*, that nothing contained in this act shall be construed as a final bar to claims heretofore registered, which may not be presented within the sixty days herein provided for, but such claims, if presented after sixty days, shall take their place according to their number as newly registered, and not as they stood on the old registration, when not presented within the time named.

Expense of  
publication

SEC. 3. *Be it further enacted*, That the treasurer of said county is authorized to use any funds in his hands to the credit of the fine and forfeiture fund to defray the necessary expenses of publication, and to retain out of any money in his hands as aforesaid, such sum as the commissioners court of said county may allow for his services in this matter, to carry into effect the provisions of this act.

Laws in con-  
flict repealed

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

482]

AN ACT

[H. 761

To exempt the secretary of the chamber of commerce of the city of Mobile from jury duty.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the secretary of the chamber of commerce of the city of Mobile be and he is hereby exempt from jury duty in Mobile county. Exempt from jury duty

Approved February 18, 1891.

483]

AN ACT

[H. 526

To declare William H. Betts, Luke Coley, A. D. McNeil, William Lane, Jordan M. Crawford and B. T. Johnson, of the county of Conecuh, citizens of Monroe county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That William H. Betts, Luke Coley, A. D. McNeil, William Lane, Jordan M. Crawford and B. T. Johnson, now citizens of the county of Conecuh, and liners, be and they are hereby declared to be citizens of Monroe county; *Provided*, that all taxes upon the real property belonging to the said W. H. Betts, Luke Coley, A. D. McNeil, William Lane, Jordan M. Crawford and B. T. Johnson shall be assessed and collected by the assessors and collectors of the counties wherein said property lies, respectively. Liners citizens of Monroe

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

To create a separate school district in the city of Florence, Alabama; to define the boundaries thereof, and provide for the maintenance of schools therein.

Separate  
school dis-  
trict

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That a separate school district be and the same is hereby established in the city of Florence, the boundaries of which shall be the corporate limits of the city of Florence.

Trustees and  
their duties

SEC. 2. *Be it further enacted,* That the mayor and aldermen of the city of Florence are hereby authorized and empowered to elect trustees and prescribe their duties and powers; to authorize them to receive, hold, transmit and convey the title to real and personal property, and to do and perform such other duties as may be deemed advisable, for the purpose of establishing and maintaining, in said limits, a school or schools, or a system of graded schools.

Ordinances

SEC. 3. *Be it further enacted,* That the said mayor and aldermen of the city of Florence are hereby authorized and empowered to adopt and enforce such ordinance or ordinances as may be deemed advisable for the full establishment and maintenance of said school or schools, or a system of schools, also to erect, equip and maintain such buildings and premises as may be advisable for the same; *Provided,* that nothing in this act shall be construed to limit or abridge the powers already conferred by law upon the said corporate authorities of said city.

School funds

SEC. 4. *Be it further enacted,* That said school district shall be entitled to receive its proportionate share of all funds raised or appropriated by the state, for public schools; also its proportionate share of the sixteenth section fund accruing to the township of which said school district is a part, and it shall receive all poll tax which may be collected from residents of said school district, and all funds which may be donated thereto.

Duties of city  
treasurer

SEC. 5. *Be it further enacted,* That until the said corporate authorities of said city shall provide some other bonded officer for that purpose, the treasurer of

said city shall receive and disburse all funds of said district, shall keep said funds and the accounts thereof separate from the general funds of said city, and for any default therein he and his sureties shall be liable, as for the general funds of said city.

SEC. 6. *Be it further enacted*, That the state superintendent of education, or other proper officer of the state, shall give the necessary orders and instructions and issue the necessary warrants and certificates to secure the payment to the treasurer of the city of Florence, or to such other officer as said corporate authorities shall designate, all funds to which said district may be entitled. Duty of state superintendent

SEC. 7. *Be it further enacted*, That the mayor and aldermen of the city are hereby authorized and empowered to levy and collect a tax upon the property within its limits, for the maintenance of said schools, to such amount as said corporate authorities may deem advisable within constitutional limits. School tax

Approved February 18, 1891.

485]

AN ACT

[H. 1010

For the payment of five coupons of class A. bonds destroyed by fire.

*Whereas*, The First National Bank of Rome, Georgia, on or about the 18th day of February, 1885, mailed to the Chemical National Bank of New York five (5) coupons dated January 1st, 1885, clipped from five (5) Alabama bonds two (2) to five (5) class A. numbered respectively 3430, 4406, 5406, 5999 off of one thousand dollar bonds, and 6808 and 6777 off of five hundred dollar bonds, representing in the aggregate seventy-five dollars (\$75.00); and Preamble

*Whereas*, In the wreck of train No. 51, on the Washington and Charlotte Railway postoffice, on the 19th of February, 1885, between Washington, D. C., and Alexandria, Virginia, the postal car and all the mail embracing said coupons, was totally destroyed by fire; and

*Whereas*, The said coupons are still outstanding and unpaid; therefore,

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of seventy-five dollars, be and the same is hereby appropriated out of the state treasury, out of any moneys not otherwise appropriated for the payment in full of said coupons.

SEC. 2. *Be it further enacted*, That the auditor of Alabama be, and he is hereby authorized to draw his warrant on the state treasurer in favor of the said, The First National Bank of Rome, Georgia, for said sum.

Shall give a bond

SEC. 3. *Be it further enacted*, That before the warrant provided for by this act shall be issued, The First National Bank of Rome, Georgia, shall give a bond in the penal sum of one hundred and fifty dollars payable to the State of Alabama, and to be approved by the governor, conditioned to refund the said seventy-five dollars if said coupons shall be presented by a bona fide holder for payment within six years from the approval of this act.

Approved February 18, 1891.

486]

AN ACT

[H. 322

To incorporate Cleburne Institute, Edwardsville, Cleburne county, Alabama.

Corporation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That D. Adams Sox, of Edwardsville, Cleburne county, Alabama, be and he is created a corporation sole, and body politic, with the powers of succession to continue for the period of twenty years and the successors of the said D. Adams Sox shall have all the corporate powers and privileges herein conferred upon him.

Name, powers, etc

SEC. 2. *Be it further enacted*, That the name of the said corporation be Cleburne Institute and its domicile and place of business shall be at the said Edwardsville, in said county of Cleburne, and that the said incorporation and his successors shall have power under and by virtue of said corporate name to organize, main-



tain at said Edwardsville a graded high school for the co-education of the white race, and to grant certificates of proficiency, or diplomas, to all persons who shall complete the course of study which shall be adopted by said school.

SEC. 3. *Be it further enacted*, That the said D. Adams Sox and his successors are hereby empowered to organize and employ a regular faculty of teachers in said school and to maintain the same and the incorporator or his successors are hereby made the principal of said high school and the president of its faculty. Faculty

SEC. 4. *Be it further enacted*, That the said D. Adams Sox and his successors are empowered to appoint an advisory board of trustees for the above school, to change such number of trustees at pleasure, and to do and perform all other acts and things which are or may be necessary and proper in carrying out the purposes of said school. Trustees

SEC. 5. *Be it further enacted*, That the said D. Adams Sox and his successors shall have power under said corporate name to acquire, have, own receive and possess by gift, grant, purchase, devise, bequeath or otherwise, real and personal property to the extent of value of twenty thousand dollars, and shall have power to dispose of said property by sale, grant, or otherwise, and shall have such rights and powers as are granted to private corporations under existing laws. Rights and powers

SEC. 6. *Be it further enacted*, That this act shall take effect from and after passage.

Approved February 18, 1891.

487]

AN ACT

[H. 763

To amend sections one and two of an act entitled an act to preserve order at the Asberry Camp Ground in the county of Monroe, and at Spring Hill Camp Ground in Butler county, and at Pottersville Camp, and Ramage Spring Camp Ground in Pike county, and at Tabernacle and Andrews Chapel Camp Ground in the county of Pickens.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this

Liquor pro-  
hibition

act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any vinous, malt, or spirituous liquors, intoxicating bitters or beverages of any kind, within one mile of the following places, or camp grounds to-wit: Spring Hill camp ground in Butler county, and Pottersville camp ground and Ramage Spring camp ground in Pike county, and Tabernacle and Andrews Chapel camp ground in the county of Pickens, and within five miles of Asberry camp grounds in the county of Monroe.

Right of trus-  
tees to pre-  
serve order,  
etc

SEC. 2. *Be it further enacted*, That the board of trustees, and the bona fide tent holders of said camp grounds, shall have the right to pass such rules and regulations as they may deem proper to preserve order, and to regulate or prohibit the vending of any article whatever in one mile of Spring Hill camp ground in Butler county, and Pottersville camp ground, and Ramage Spring camp ground in Pike county, and Tabernacle and Andrews Chapel camp ground in the county of Pickens, and within five miles of the Asberry camp ground in the county of Monroe during the time of service at said camp grounds.

Approved February 18, 1891.

488]

AN ACT

[H. 655

To define and regulate the liability of persons, partnerships and corporations, operating in the county of Escambia, ditches, or canals for the purpose of floating logs or timber therein.

Liable for  
damage to  
stock

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person, partnership, or corporation operating a ditch or canal in Escambia county for the purpose of floating logs or timber therein, shall be liable for all damage done to stock, by such stock falling into such ditch or canal or into the excavations on either side of such ditch or canal.

Record of  
animals kill-  
ed, etc

SEC. 2. *Be it further enacted*, That it shall be the duty of all persons, partnerships or corporations operating ditches or canals in any portion of Escambia

county for the purpose of floating logs, or timber therein, whenever stock or animals of any kind are killed, or injured by falling into such ditches or canals, or into the excavations on either side of such ditches or canals, to make and keep a record of the character of the animal killed or injured, with the flesh marks, ear marks, and brands to identify such animals, and keep the records open for inspection of any person upon application, at the nearest office of such person, partnership, or corporation to the place where such animal was killed or injured.

SEC. 3. *Be it further enacted*, That any person, partnership, or corporation, operating in said county a ditch or canal, for the purpose of floating logs or timber therein, negligently failing to comply with the provisions of this act, shall be liable to a forfeiture of not less than twenty-five dollars, nor more than one hundred dollars for each violation, to be recovered in an action of debt; upon the complaint of the owner or any person having an interest in the animal killed or injured.

SEC. 4. *Be it further enacted*, That any person who conceals or removes any animal so killed or injured with intent to hinder or delay a recovery therefor under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than twenty dollars, nor more than five hundred dollars. Misdemeanor  
Penalty

Approved February 18th, 1891.

489]

AN ACT

[H. 483

To repeal an act entitled an act to authorize and require the commissioners court of Crenshaw county to dispose of moneys arising from fines, forfeitures and convict labor, approved February 4, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act of the general assembly of Alabama, entitled an act to authorize and require the commissioners court of Crenshaw county, to dispose of Act repealed

moneys arising from fines, forfeitures and convict labor, approved February 4, 1889, be, and the same is hereby repealed.

Approved February 18th, 1891.

490]

AN ACT

[H. 837

To make the fees of bonded constables in the county of Choctaw the same as sheriffs fees, when they perform the same, or similar service.

Fees of con-  
stables

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act, the fees of bonded constables in the county of Choctaw shall be the same as the sheriffs fees, when performing the same or like services; *Provided*, that in civil causes in which the amount in controversy is less than twenty dollars, the constable shall not receive for their services therein, greater fees than are now allowed them by section 3690 of the code.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 18, 1891.

491]

AN ACT

[H. 443

To amend an act entitled an act to establish a new charter for the town of Attalla, approved February 28, 1889.

This is a pub-  
lic act

*Be it enacted by the General Assembly of Alabama*, That section 12 of an act entitled an act to establish a new charter for the town of Attalla, approved February 18, 1889, be and the same is hereby amended so as to read as follows: Sec. 12. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all courts of law and equity, and all ordinances,

resolutions and proceedings of the city, may be proved by the seal of the corporation, attested by the city clerk, and when printed purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof; and said corporate authorities may levy and collect upon all real and personal property within said city, except such property as is by law exempt from state taxation, a tax not exceeding one-fourth of one per centum of the value of said property, which shall be used exclusively for the public schools of said town of Attalla, which tax shall be levied and collected as provided by law, for the levy and collection of the taxes of said town, and shall be paid to the treasurer of said town, who must keep it separate from the other moneys belonging to said town. School tax

Approved February 18, 1891.

492]

AN ACT.

[s. 289

To designate the officers at the penitentiary walls and to provide for their appointment, removal and compensation.

SECTION 1. *Be it further enacted by the General Assembly of Alabama*, That the officers at the penitentiary shall consist of a keeper, a physician, and such other officers, guards and employees as may be determined to be necessary by the president of the board of inspectors with the approval of the governor. The keeper and the physician shall be appointed by the governor for a term of four years, and may be removed by him at any time for cause. The other officers, guards and employees shall be appointed by the keeper with the approval of the president of the board and may be discharged in the same manner; *Provided*, that the office of turnkey be, and the same is hereby abolished. Officers  
Appointed  
by governor

SEC. 2. *Be it further enacted*, That the duties of the officers at the penitentiary shall be prescribed by the board of inspectors by rules to be approved by the Rules

governor; and all of the officers, employees and convicts must obey the orders of the keeper.

SEC. 3. *Be it further enacted*, That the compensation of the keeper shall be fifty dollars per month, and of the physician fifty dollars per month, and of the guards and employees, shall be not more than thirty dollars per month, as shall be fixed by the governor. Each of said officers shall be furnished with board at the penitentiary; but no other officer residing away from the penitentiary shall be allowed to draw any money or provisions in lieu of board. Each of said officers shall be reimbursed his traveling expenses actually incurred when absent from the penitentiary on business for the state.

SEC. 4. *Be it further enacted*, That such salaries and expenses shall be paid as the other salaries and expenses of the convict system are now paid.

SEC. 3. *Be it further enacted*, That section 4578 (4051) of the code of Alabama and all other laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 18, 1891.

493]

AN ACT

[s. 107

For the relief of John W. Miller, a citizen of Bibb county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be, and he is hereby required to draw his warrant on the treasurer in favor of John W. Miller, a resident of Bibb county, in this state, for the reimbursement to him of the sum of twenty dollars, which he paid into the state treasury by mistake in settlement of a supposed claim to certain sixteenth section lands, when in fact it turned out that the state had no claim to such lands, said lands having long before such payment been patented by the state to another person; *Provided*, said money shall be paid out of the sixteenth section funds of the



township in said county into which the said was paid.

Approved February 18, 1889.

494]

AN ACT

[s. 386

To amend section two (2) of an act entitled an act to authorize the corporate authorities of the town of New Decatur, in the county of Morgan, to negotiate a loan for the improvement of the streets and of the sanitary condition of the said town, and to issue bonds for the payment of said loan, approved February 13th, 1889, so as to read as follows :

Section 2. Be it further enacted, That in payment of said sum the said corporate authorities be and they are hereby authorized to issue the bonds of the said town which shall be known and styled improvement and sanitary bonds, and which shall be negotiable, made payable to bearer, transferable by delivery, and in all things governed by the commercial law ; the said bonds shall not mature at a longer period than thirty years and therein shall be reserved to the said town the privilege of paying or redeeming the same at any time after the expiration of thirty years from the date thereof. The said bonds may be issued in different series of one hundred dollars, five hundred dollars, and one thousand dollars, and shall bear interest at a rate not exceeding eight per cent per annum, payable semi annually and each bond shall have coupons for the payment of such semi-annual interest attached ; the said bonds and coupons shall be payable at such place within or without the state of Alabama as may be directed by the corporate authorities, and the said bonds must be under the corporate seal of the said town, signed by the intendant or mayor, and countersigned by the clerk, and the coupons must have the lithographed signature of the clerk attached. A registry of said bonds must be kept in the Exchange Bank of New Decatur, or the First National Bank of Decatur, and on issue each bond must be registered and a certificate Bonds

of the registry thereon endorsed by the cashier of the bank in which such registry is kept.

Approved February 18, 1891.

495]

AN ACT

[s. 472]

To authorize the city of New Decatur to levy and collect license tax upon professions, occupations, vocations and businesses practiced or engaged in within said city.

License tax

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city of New Decatur is authorized to levy and collect a license in all cases where the state collects a license tax upon any profession, occupation, vocation or business practiced or engaged in within said city; and said city is authorized to levy and collect a license tax in any or every other case upon any profession, occupation, vocation or business practiced or engaged in within said city.

SEC. 2. *Be it further enacted*, That the authorities of said city may pass and enforce all ordinances and orders necessary to levy and collect said license taxes.

Approved February 18, 1891.

496]

AN ACT

[s. 499]

To authorize the court of county commissioners for Perry county to establish one or more ferries across the Cahaba river in Perry county.

Ferries

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for Perry county are hereby authorized and empowered to establish one or more ferries across the Cahaba river in Perry county, and to establish rates of toll and rules governing such ferries.

SEC. 2. *Be it further enacted*, That the court of county commissioners of Perry county are hereby au-

thorized and empowered to employ a ferryman or ferry-  
men to attend such ferry or ferries, and to pay to such  
ferryman or ferrymen, in addition to the tolls, such  
sum of money as in their judgment may be necessary  
to insure such ferries as the good of public travel re-  
quires; *Provided*, that all laws relating to ferries not  
inconsistent with this act shall remain in force.

Comm'r's  
may employ  
ferryman

Approved February 18, 1891.

497]

AN ACT

[s. 355

To authorize and require the commissioners court of  
Jefferson county, Alabama, to pay to the judge of  
the tenth judicial circuit of Alabama \$500.00 an-  
nually.

SECTION 1. *Be it enacted by the General Assembly of  
Alabama*, That the commissioners court of Jefferson  
county, Alabama, be and they are hereby authorized  
and required to pay out of the county treasury of said  
county \$500.00 annually to the judge of the tenth  
judicial circuit of Alabama.

Annual pay-  
ment to  
judge tenth  
circuit

SEC. 2. *Be it further enacted*, That the salary  
herein provided for shall be in addition to the salary  
paid the judge of said circuit out of the state treasury  
as now fixed by law.

Approved February 18, 1891.

498]

AN ACT

[s. 215

To aid state and county agricultural fairs.

*Whereas*, Agricultural fairs and industrial exposi-  
tions are held for the purpose of stimulating enterprise,  
and for the purpose of advertising communities and  
developing the resources of the state; and

Preamble

*Whereas*, Much time and labor must necessarily be  
contributed by individual effort without compensation,  
supplemented by local contributions for the public

good; that the management of these enterprises depend largely upon the sale of privileges for revenue with which to pay premiums for meritorious exhibits; and

*Whereas*, The state indiscriminately taxes all side-shows, privileges and amusements as though they were not being conducted in the interest and under the auspices of these fairs, few of which, but for these fairs, would be exhibited in the state; and

*Whereas*, The taxes thus collected come directly out of the fund created by these fairs, and thus, instead of giving aid and encouragement to these public enterprises the state is made, under existing laws, to levy contributions upon every industrial exposition held within the limits of the State; therefore:

Taxes on  
privileges  
remitted to  
fairs

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all state, county and municipal taxes on privileges are remitted and released to all agricultural fairs which may hereafter be granted or sold by them and conducted on their grounds during the exhibition of such fairs on which a tax is now or may hereafter be levied by state, county or municipal authority; *Provided*, that this act shall not be construed to authorize any fair to sell or grant privileges on the grounds to wheels of fortune or any game of chance, or any device inimical to the laws of the state.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, so far as same may relate to taxing privileges referred to in section 1 of this act.

Approved February 18, 1891.

499]

AN ACT

[s. 443

To provide for the payments of the costs of appeal in certain criminal cases.

Costs of ap-  
peal to su-  
preme court  
in criminal  
cases

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever an appeal is taken to the supreme court from the judgment of conviction in any criminal case in which the defendant has been con-

victed of a felony, and sentenced to imprisonment in the penitentiary, and the case is affirmed, or the appeal is dismissed, the clerk of the supreme court shall make out a statement of the costs of appeal in said court, not including the library tax, and certify the same to be correct, and shall present said statement to the auditor, who shall draw his warrant on the treasurer for the amount of said bill of costs, payable out of the convict fund, which shall include only the lawful fees of the clerk of the supreme court, and the lawful fees of the attorney-general, but in no case shall the amount paid exceed the sum of thirty dollars.

Payable out  
of convict  
fund

SEC. 2. *Be it further enacted*, That it is hereby made the duty of the clerk of the supreme court to pay over to the attorney-general the part of said costs belonging to him when collected.

Costs belong-  
ing to attor-  
ney-general

Approved February 18, 1891.

500]

AN ACT

[s. 282

To amend an act to amend section 2908 of the code of 1886.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2908 of the code of 1886, be so amended as to read as follows: Section 2908. (3198) *Notice of Sales*.—In sales of personal property notice must be given by advertisement at the court house door, and also by publication in a newspaper, if one is published in the county, for ten days previous to said such sale; and in sales of real property the publication in such newspaper must be once a week for three successive weeks, and by posting up notice for thirty days at the court house door previous to the sale; *Provided*, in sales of personal property, only one insertion in such newspaper of such advertisement shall be required.

Advertise-  
ment of sales

Approved February 18, 1891.

501]

AN ACT

[s. 489]

To authorize the governor to issue to John B. Manning a new state coupon bond for five hundred dollars in lieu and stead of Class "A" bond number 7255.

Governor to  
issue new  
bonds

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor of this state is hereby authorized to issue to John B. Manning a new state coupon bond for five hundred dollars, to take the place of class "A" bond No. 7255, which has been lost or destroyed without fault on the part of said Manning, upon entering into bond with good and sufficient security, payable to the governor of Alabama, in double the amount of said bond and coupon, to indemnify and hold harmless the State of Alabama against all loss or damage that said state may sustain from the issue of said new coupon bond, in the event said bond No. 7255 should hereafter be presented to the treasurer of Alabama for payment of either principal or interest thereon.

Approved February 18, 1891.

502]

AN ACT

[H. 510]

To establish a uniform series of standard school books to be used in the free public schools in Marshall county.

Meeting of  
township  
superintendents

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the county superintendent, and the several township superintendents of education of Marshall county at a meeting to be called by the county superintendent, and for the purpose of electing a uniform series of standard school books to be thereafter used in the free public schools in Marshall county.

To make selection of  
school books

SEC. 2. *Be it further enacted*, That at such meeting, so called for said purpose, such persons, who attend such meeting, be and are hereby authorized to make such selection, and if no one attend such meet-



ing then it shall be the duty of the county superintendent to make such selections.

SEC. 3. *Be it further enacted*, That after the expiration of eighteen months from the time of such selection, no system of school books, other series than that so selected shall be used in the free public schools of Marshall county. To be used in county

SEC. 4. *Be it further enacted*, That after the expiration of eighteen months from the time of making such selection it shall be unlawful for any teacher of said schools to have or receive any money appropriated in this state, for the use of free public schools therein, who fails or neglects to use in his school such system of school books so selected. Teacher not to receive pay, etc

SEC. 5. *Be it further enacted*, That the said county superintendent together with the several township superintendents, at a meeting to be called by the county superintendent for such purpose, or such of said persons that may attend such meeting, may in their discretion, if thought best to, abolish or change such system of school books, or any part thereof; *Provided however*, a change is made, or the system abolished in whole or in part, the same shall not go into effect, or become operative until the expiration of twelve months thereafter. May abolish or change in twelve months

Approved February 18, 1891.

503]

AN ACT

[H. 742

To authorize the justices of the supreme court to use a portion of the library fund in the purchase of law books for the office of the attorney-general.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the justices of the supreme court are hereby authorized to use, in the purchase of law books for the office of the attorney-general, such portion of the library fund as they may deem right and proper. Law books for office of attorney-general

Approved February 18th, 1891.

504]

AN ACT

[H. 619]

To refund to George G. White and Charlton Alexander \$107.55; erroneously paid by them into the state treasury for purchase of certain lands previously sold by the state.

Preamble

*Whereas*, by deed dated November 26th, 1888, auditor M. C. Burke purported to sell to George G. White and Charlton Alexander the original owners, two lots on south side of St. Anthony street, 5 and 6 west of Water street Mobile, acquired by the state at tax sale November 20, 1880, and the price, to-wit, the sum of \$107.55, was duly paid into the treasury by Hamiltons and Gaillard, attorneys for said White and Alexander; and

*Whereas*, all the state's title to said property had been already extinguished by sale May 30, 1884, to Marcia H. Turner, and all tax liens and claims prior and subsequent have been satisfied by her; *Now therefore*,

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor is hereby authorized and directed to draw his warrant on the treasurer of Alabama for the sum of one hundred and seven 55-100 dollars in favor of Hamiltons and Gaillard, attorneys for George G. White and Charlton Alexander, to be paid out of any money in the treasury not otherwise appropriated.

Approved February 18, 1891.

505]

AN ACT

[H. 921]

To protect and regulate the manner of catching and taking fish in any of the creeks in Hale county within a certain distance from where said creeks empty in the Warrior river.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons to fish with, or to use, or to have for the

Protection of fish

purpose of fishing and employ therefor in any of the streams in Hale county which empty into the Warrior river, within four hundred (400) yards of the mouth of said streams, any gill net, or net of other kinds, or to kill fish in said county with torpedoes, bombs, or poison.

SEC. 2. *Be it further enacted*, That any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five nor more than one hundred dollars, to be paid into the treasury of said county and collected as other fines are collected. Penalty

SEC. 3. *Be it further enacted*, That any justice of the peace, in the county of Hale, may have jurisdiction of the offenses prohibited by this act. Justices of the peace have jurisdiction

Approved February 18, 1891.

506]

AN ACT

[H. 716

To authorize the deeds, contracts, conveyances, or other instruments to be recorded again in Franklin county

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all deeds, contracts, conveyances, or other instruments the record of which is authorized or required by law, that have been recorded in the probate judges office in Franklin county, in this state, the records of which were destroyed by fire, the original of such deed, contract, conveyance, or instrument may be recorded again, and such record shall have relation to, and be operative from the day the original record was operative; *Provided*, the same is recorded within two years from passage of this act. Record of deeds, etc., in Franklin

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

507]

AN ACT

[H. 393]

To provide for the collection of taxes from persons removing from one county to another during the tax year.

Duties of tax  
collectors

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That when the tax collector of any county in this state has information that any person owing taxes in his county, whether due or not, has removed to another county, it shall be the duty of such tax collector to make out and certify to the probate judge the account provided for in section 550 of the code, and secure the endorsement of said probate judge as required by said section of the code; and then the said tax collector shall forward the account so certified and endorsed to the tax collector of the county where the tax payer has removed, and the tax collector upon receipt of the same shall proceed to execute the writ as if issued in his own county. Upon the collection of any taxes under this act, the collector shall remit the same to the collector of the county to which it belongs and such tax collector so collecting shall be liable on his bond for the amount of taxes so collected.

Approved February 18, 1891.

508]

AN ACT

[H. 617]

For the relief of parties whose lands have been sold for taxes.

Right to re-  
deem land  
sold for taxes

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where lands have been sold for non-payment of taxes, and purchased by the state, and where the title has never passed out of the state, the parties who owned said land at the date of such purchase by the state, or their grantees or assignees, shall be permitted to redeem said lands at any time within one year after the passage of this act, upon the payment of the taxes and fees due at the date of said sale, and the expenses of said sale, and the annual

taxes from the date of said sale to the date of the redemption of said lands.

SEC. 2. *Be it further enacted*, That all redemptions under section 1 of this act shall be made through the probate judge in the same manner as provided by section 35 of an act entitled "an act to amend sections 6, 10, 16, 22, 24, 26, 27, 29, 33, 35, 39, 40, 41, 44, 46, 48, 49, 51, 53, 58, 65, 66, 67, 69, 70, 71, 73, 74, 75, 76, 77, 84, 87, 90, 97, 99, 103, 105, 111, 113, 116, 117, 119, 122, 127, 130, 131, and to repeal sections 43 and 123 of an act entitled 'an act to provide for the assessment and collection of taxes for the use of the state and the counties thereof, and to define the duties of officers engaged about the said assessment and collection of taxes,'" approved February 17, 1885, and approved February 28, 1887.

Redemption  
made  
through pro-  
bate judge

Approved February 18th, 1891.

509]

AN ACT

[H. 772

To confer upon the mayor of the city of Tuskaloosa jurisdiction, concurrent with the county court of Tuskaloosa county, of the offenses of vagrancy, violations of Sunday laws, assaults, assaults and batteries, and affrays in which no stick or other weapon is used, abusive language, cruelty to animals, and public drunkenness, when committed in the corporate limits of the city of Tuskaloosa.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That the mayor of the city of Tuskaloosa shall have concurrent jurisdiction with the county court of Tuskaloosa county of the offenses of vagrancy, violations of Sunday laws, assaults, assaults and batteries, and affrays in which no stick or other weapon is used, abusive, insulting or obscene language, cruelty to animals, and public drunkenness, when committed within the corporate limits of the city of Tuskaloosa.

Jurisdiction  
of mayor

SEC. 2. *Be it further enacted*, That a judgment of conviction or acquittal of any said offenses rendered by said mayor's court shall be a bar to any further

Bar to fur-  
ther prose-  
cution

prosecution for said offenses before any of the courts of this state.

Approved February 18, 1891.

510]

AN ACT

[H. 308

To finally dispose of lands which have been sold for its taxes and bid in for the state.

Property of  
the state

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all lands which have been or which may hereafter be sold for its taxes, and bid in for the state, and which have not been redeemed or purchased from the state, as provided by law, shall, after five years have elapsed from January 1st, 1892, and each succeeding year, become the property of the state.

Duty of  
auditor

SEC. 2. *Be it further enacted*, That it shall be the duty of the auditor commencing on the 1st day of January, 1892, to prepare a list each year of all lands which have been bid in for the state for five years, and have not been redeemed or re-purchased from the state, and forward such list to the judge of probate of each county in the state where lands have been so sold; *Provided*, that any party interested in any land heretofore sold and bought in by the state, may at any time up to the first day of January, 1892, redeem the same by paying to the probate judge of the county where the land lies the amount required under the law now in existence for the redemption of lands.

Right to re-  
deem

Judge of pro-  
bate to ad-  
vertise lands  
for sale

SEC. 3. *Be it further enacted*, That it shall be the duty of the judge of probate of each county upon the receipt of the list as provided by section 2 of this act to carefully compare said list with the books in his office, and if he shall find such list to be correct, to cause said lands so described on said list to be advertised for sale to the highest bidder, for cash, in some newspaper published in his county, for six successive weeks, or if there is no newspaper published in his county, to post a notice at the courthouse door, and also at some public place in each precinct or beat in his county, giving the date on which said lands will be offered for



sale; the expense of such advertisement to be paid by the judge of probate from the proceeds of such sale, at the same rate that is now paid for advertising lands for tax sales, as provided by law.

SEC. 4. *Be it further enacted*, That all sales of lands under this act, shall be to the highest bidder, for cash, payment to be made to the judge of probate; the sale to commence on the first Monday in April, and to continue from day to day until all are disposed of, and such sale shall be under the direction of the judge of probate, who is hereby authorized to pay all expenses arising from such sales from the proceeds thereof. Sales

SEC. 5. *Be it further enacted*, That it shall be the duty of the judge of probate to certify to the state auditor the amount, each parcel, or lot of land, that the purchase money had been paid to him, the name of purchaser, and a description of the property sold, each upon a separate certificate, and upon the receipt of such certificate, it shall be the duty of the auditor to make a deed conveying all the interest of the state in and to said lands to the purchaser of said lands. Report by  
judge of  
probate  
  
Auditor to  
make deed

SEC. 6. *Be it further enacted*, That the form of deed required by this act shall be prepared by the attorney general.

SEC. 7. *Be it further enacted*, That from the proceeds of sales under this act, it shall be the duty of the judge of probate, after first deducting his commission, as provided herein; to pro-rate the expenses incurred by such sale, between the state and county in proportion to the amount of taxes due each at the time of the original sale of such lands, and from the remainder pay to the county officers the amount which was due them on the original sale and to the county treasurer the proportionate amount due the county, and to the state treasurer the amount due the state, and for his compensation he shall be entitled to a commission of two and one half per cent upon the amount the property sold for. Proceeds  
of sales

Approved February 18, 1891.

To amend section eight of an act entitled an act to incorporate the town of Auburn, Lee county, Alabama, approved February 23d, 1875.

Charter  
amended

Powers of  
mayor and  
councilmen

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section eight of an act entitled an act to incorporate the town of Auburn, Lee county, Alabama, approved February 23d 1875, be so amended as to read as follows: Section 8. Be it further enacted, that the mayor and councilmen shall have power and authority to pass all such ordinances and resolutions, and make all such regulations as may by them be deemed necessary for the good order and government of said corporation, which may extend to the preservation of health, to prevent and remove nuisances, to license, restrain and tax theatrical amusements, shows and circuses within the corporation, to restrain gambling, drunkenness, profane swearing, or other obscene or unlawful language, assaults and batteries, and all other breaches of the peace, appoint night watches and patrols, to cleanse and keep in repair streets and wells of said town, to remove and prohibit trespasses on the same, to levy, assess and collect taxes upon all property within said corporation, not exceeding one half of one per cent. on the value of the property assessed, to grant license to, and tax auctioneers, auction sales, sales of merchandise, capital employed and incomes within said corporation, to grant license to keepers of billiard tables and other places of public amusement upon such conditions as they may prescribe, to prevent the introduction and spread of contagious or infectious diseases, to restrain or prohibit all disorderly or unlawful assemblies, to arrest and punish all vagrants, and to punish violations of the Sabbath, to suppress houses of ill fame, and to punish prostitutes, to establish workhouses and houses of correction, to require a license on drays and hacks doing business in the town of Auburn, to license and regulate the market system of the town of Auburn, Lee county, Alabama, and generally to pass all such laws and ordinances, not contrary to the constitution

and laws of the State of Alabama, as they shall deem expedient and necessary to carry into effect the meaning and intention of this act, to impose appropriate fines, forfeitures and penalties for the breach of their ordinances and by-laws; *Provided* no fines, forfeitures, or penalties for any one offense shall exceed twenty-five dollars, except for vending ardent spirits. In case of inability of any person upon whom any fine or penalty has been imposed, to satisfy said fine or penalty and the costs thereof, to sentence such person to labor for said town for such period, not exceeding thirty days, for any one offense, as may be deemed equivalent to such penalty and costs, which said labor shall be designated by the mayor and councilmen, and under such regulations, police and superintendent as they may provide. The said mayor and councilmen shall have power to appoint a clerk, marshal, treasurer and such other officers as they may deem necessary, and require of them severally, good and sufficient bonds, and to annex such fees and salary to the several officers as they may see fit.

Approved February 18th, 1891.

512]

AN ACT

[H. 613

To amend section 4591 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4591 of the code be amended so as to read as follows: *4591. Inspection of county convicts; stipulation in contract of hire; removal of convicts.*—When convicts are sentenced to hard labor for the county, and hired out by the court of county commissioners, it shall be the duty of the inspectors of state convicts to visit such convicts whenever they shall deem it necessary, and they shall rigidly scrutinize and inquire into treatment and management of such convicts, and shall report to the judge of probate in writing the condition and treatment of such convicts. No contract shall be made by such court for hiring county convicts without a stipulation thereon, that the

Duty of  
spectors  
state co  
victs

Contract  
hire of  
ty conv

uty of gov-  
ernor, etc

contract shall end if the bond, in the opinion of the probate judge, becomes insufficient, or if any convict is treated cruelly, or inhumanly, by the hirer or his employe. Whenever the board of inspectors shall notify the governor that convicts who have been sentenced to hard labor for the county should be removed from the place where they are at labor, or from the control of the person who has them hired, it shall be his duty to order the probate judge of the county where said convicts were convicted, to remove them from such place, or to annul such contract, as the case may be; and any probate judge neglecting or refusing to obey such order, shall be liable to impeachment and removal from office, as provided for in any other cases; *Provided*, that in any case where the contract is annulled, or the convicts removed under this section, they may be kept in any jail in the state until they can be hired out again, or disposed of in some other legal manner.

Approved February 18, 1891.

513]

AN ACT

[H.751

To amend section one of an act entitled an act for the preservation of game in Limestone, Cullman and Madison counties, approved February 26th, 1887.

section  
of game

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one (1) of an act entitled "An act for the preservation of game in Limestone, Cullman and Madison counties, approved February 26th, 1887," be amended so as to read as follows: That it shall be unlawful for any buck, doe or fawn to be killed or caught between February (1st) first and September (1st) first. That it shall be unlawful for any partridge or quail to be trapped or killed between April the (1st) first and October (1st) first. That it shall be unlawful for any wild turkey to be killed or trapped between May the first and October first.

Approved February 18, 1891.

514]

AN ACT

[H. 632]

To amend an act entitled an act for the protection of dogs, approved February 12, 1887.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section four of an act entitled "An act for the protection of dogs," approved February 12, 1887, be amended so as to read as follows: Section 4. Be it further enacted, That all taxes collected under this act shall be appropriated to the use of the public schools in the county where collected; *Provided*, that the provisions of this act shall not apply to the counties of Clay, Dale, Geneva, Elmore, Tallapoosa, Wilston, Perry, Jackson, Morgan, Marshall, Fayette, Hale Greene and Henry; *Provided further*, that there shall be only one registration required for each dog.

Approved February 18, 1891.

515]

AN ACT

[H. 307]

To ratify and amend the incorporation of the Birmingham Bar Association of Birmingham, Alabama, and to enlarge the powers thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation of the Birmingham Bar Association of Birmingham, Alabama, heretofore created under the general incorporation laws of the State of Alabama, be and the same is in all things ratified, approved and confirmed, and the same is hereby declared to be a body corporate in said name, with all the powers, rights and privileges conferred upon it by said general laws of incorporation, and such additional powers, rights and privileges as hereinafter conferred.

SEC. 2. *Be it further enacted*, That the said Birmingham Bar Association shall be and it is hereby clothed with the right to exist as such corporation for the period of ninety-nine years from and after the date of this act, and during said period to exercise all corporate powers and functions possessed by it, under its

original charter under the general laws, or conferred by this act.

May purchase and convey property

SEC. 3. *Be it further enacted*, That said corporation shall also have the power to purchase and to have, hold and enjoy all such real and personal property as may be necessary for its uses and purposes, and to sell and convey the same at pleasure.

Powers

SEC. 4. *Be it further enacted*, That said association shall have power to make and adopt a constitution, by-laws, rules and regulations for the order and government of said association, or any officers or agents or members thereof; and to provide for the trial and expulsion of its members, or the removal of any of its officers or agents, and to elect a president and all other officers which may be prescribed by its constitution or by-laws; and to impose fines and penalties on its members for a violation of any by-law, rule or regulation, and with power to collect all fines and dues by a suit at law or equity in the name of said association.

Authorized to issue bonds

SEC. 5. *Be it further enacted*, That the said association is hereby authorized and fully empowered by a vote of two-thirds of all its members, at any regular meeting of the association to issue bonds of the association, bearing such rate of interest as the association may by resolution determine, but not to exceed eight per cent. per annum, and the amount of said bonds outstanding at no time to exceed \$10,000.00 and to secure the payment of the principal and interest of said bonds by a mortgage or deed of trust, upon all or any part of the corporate property, containing all such powers of sale and other provisions as said association by resolution of two-thirds of its members at such regular meeting may adopt.

Approved February 18, 1891.



516]

AN ACT

[H. 1064

To amend section four of an act entitled an act to authorize the commissioners court, or court, or board of county revenues of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish, or abolish, districts in which stock may be prevented from running at large, approved February 28, 1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section four of an act entitled an act to authorize the commissioners court, or court, or board of county revenues of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish, or abolish, districts in which stock may be prevented from running at large, approved February 28, 1881, be and the same is amended so as to read as follows: Section 4. *Be it further enacted*, That whenever any damage has been done to any property in the said district by stock running at large in violation of the provisions of this act, the party whose property has been damaged, may at once proceed to take up said stock and hold the same, and may, within ten days after such damage is done, make complaint against the owner of the stock doing the damage, to a justice of the peace, or notary public, of the precinct in which such damage was done, or if there be no justice of the peace, or notary public, of the precinct in which such damage was done, then to a justice of the peace, or notary public, of any adjoining precinct, describing the property damaged and the stock doing the damage; and whenever such complaint is made, the justice of the peace, or notary public, to whom it is made, shall issue notice to the owner of such stock, commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from issuance of such complaint; said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be selected by him, commanding them to assess and report to him, on the day on which the

Dallas  
ty stock  
amend

owner of said stock is required to answer said complaint, on their oaths, the amount of damages the complainant has sustained, including cost of taking up and keeping said stock, which report shall be evidence on the trial of cause, and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace, or notary public, shall try such cause and render such judgment therein as the justice and equity of the case demands. But if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of suit, and shall issue execution on such judgment, commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs, and the persons selected to assess damages shall be entitled to one dollar per day, each, for their services, which must be taxed and collected as a part of the costs; *Provided*, that this act shall only apply to the county of Dallas.

Approved February 18, 1891.

517]

AN ACT

[H. 656

To prohibit the driving of live animals into, or the placing of the dead bodies of animals in, any ditch or canal operated for the purpose of floating logs or timber within the limits of the county of Escambia.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no person shall drive any animal into any ditch, or canal, operated in Escambia county for the purpose of floating logs or timber, or place the dead body of any animal in such ditch or canal.

SEC. 2. *Be it further enacted*, That any one violating the provisions of this act shall be guilty of a mis-

To keep animals out of ditches or canals

Penalty

demeanor, and on conviction thereof, shall be fined not less than twenty nor more than one hundred dollars.

Approved February 18, 1891.

518]

AN ACT

[H. 1110

To amend section 4036 of the code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4036 be and the same is hereby amended so as to read as follows: *4036 (4204) Retailing or selling vinous or spirituous liquors without license.*—Any person who, without license as a retailer, sells, barter or exchanges spirituous, vinous or malt liquors in quantity less than one quart, or in any quantity if the same or any portion thereof is drunk on or about his premises, must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months.

Selli'g liquor  
without li-  
cense

Penalty

Approved February 18, 1891.

519]

AN ACT

[H. 1108

To amend section 4038 of the code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4038 of the code be and the same is hereby amended so as to read as follows: *4038 (4205) Liquor to minors or persons of intemperate habits; false statement as to age.*—Any person who sells, barter, exchanges or gives spirituous, vinous or malt liquors to a minor without the consent of the parent or person having the management or control of such minor, unless it be upon a prescription of a physician, or who sells, barter, exchanges or gives spirituous, vinous or malt liquors to a person of known intemperate habits, unless it be upon the prescription of a physician,

Selli'g liquor  
to minors,  
etc

## Penalties

must, on conviction, be fined not less than fifty nor more than five hundred dollars; and any minor who obtains any such liquor by means of false representation as to his age, must, on conviction, be fined not more than fifty dollars.

Approved February 18, 1891.

520]

## AN ACT

[H. 931

To equalize the disbursement of the school fund in Clay county, Alabama.

Poll tax as  
equalizing  
fund

SECTION 1. *Be it enacted by the General Assembly of Alabama:* That the poll tax in each township be kept until the close of the last quarter of each school year, as an equalizing fund.

Register of  
daily atten-  
dance

SEC. 2. *Be it further enacted,* That the teachers of public schools shall keep a correct register as now required by law, of daily attendance, and by the 10th day of September in each year submit such register to the township superintendent of his township together with a report giving the names of all the children who attended school during the public school term, and the number of days each child attended, and the average number of days, certifying to the same as correct before said superintendent.

Salaries to be  
equalized

SEC. 3. *Be it further enacted,* That on receipt of said reports the township superintendents shall equalize the salaries paid the teachers during the school year, by ordering to be paid to each teacher the amount that may be due him according to actual average attendance as shown by the reports of said teachers, it being the purpose and object of this bill to provide that every child who attends the public schools shall receive equal benefit from the public school fund according to actual attendance; *Provided,* the provisions of this act shall only apply to the county of Clay.

Laws in con-  
flict repealed

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this law be, and the same are hereby repealed.

Approved February 18, 1891.

521]

## AN ACT

[s. 500

To incorporate the North Alabama Oil and Gas Pipe Line Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That S. S. Hawthorne, J. C. Boyleston, Polk Lafoon, L. Whitmore and C. F. Bishop and their associates and successors be, and are hereby declared and constituted a body corporate by the name and style of the North Alabama Oil and Gas Line Company for the purpose of constructing, using and operating a line of pipes in and through the State of Alabama, from and to such points as they may designate, together with such branch or branches of piping as may be necessary and proper for the transportation and piping of oil and gas.

Name,  
objects, etc

SEC. 2. *Be it further enacted*, That the corporation hereby created shall by that name sue and be sued in any of the courts of this state or of the United States, have and use a common seal, have and hold real and personal estate as the same may be necessary for the construction, maintenance, use and operation of their pipe lines system, and the same to sell at pleasure; and to do all acts necessary and proper to effectuate and perfect the purposes of the grant, which any corporation may or can lawfully do.

Rights

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, and the persons named in the first section of this act or the majority of them may open books of subscription for stock at such time and places as they may designate, and continue the same as often as may be necessary, until the entire stock is subscribed, and the subscription for stock may either be paid in money, labor or land for use of said piping company.

Capital stock

SEC. 4. *Be it further enacted*, That the said corporation may organize by electing a board of directors to consist of not less than five nor more than thirteen members, a president, secretary and treasurer and such other officers with such powers as the board of directors may determine from time to time.

Directors  
and officers

Right-of-way      SEC. 5. *Be it further enacted*, That the North Alabama Gas and Piping Company shall have the power under the general laws of the state to condemn land for right-of-way for laying its pipes both main and lateral for drainage and tanks and for any other purposes for the proper maintenance and operation of business.

Telegraph and telephone      SEC. 6. *Be it further enacted*, That said corporation shall have the right to erect use and maintain along its right-of-way, telegraph and telephone wires and poles, and engage in and transact the business of telegraph or telephone company.

May borrow money      SEC. 7. *Be it further enacted*, That said company may borrow money for the purpose of carrying out the object of this charter, and may make notes, bonds or other evidences of debt, and by a vote of a majority of its stockholders held at a meeting called for the purpose, in such a manner as the board of directors may deem proper, may secure the payment of bonds, notes or other evidences of debt by mortgage or deed of trust on its purchases and any or all of its property both real and personal.

When corporation can exercise its powers      SEC. 8. *Be it further enacted*, That before the North Alabama Oil and Gas Piping Company shall exercise any of the corporate powers herein granted, at least ten per cent. of the capital stock shall have been subscribed for by bona fide subscribers of whose solvency the incorporators shall be satisfied, and at least two per cent. of the subscription shall have been paid to the person designated by said incorporators authorized to receive same, and those subscribers who have been elected to discharge their subscription in labor or property have entered into contract in writing with such person to convey or perform the same when directed by the board of directors of said company.

Approved February 18, 1891.



522]

AN ACT

[s. 36

To make the office of commissioner of agriculture elective.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the office of commissioner of agriculture be hereby declared an elective office, and that at the general election in 1892, and every two years thereafter, there shall be elected one commissioner of agriculture, whose term of office shall be two years. Office of comm'r of agriculture elective

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Laws in conflict repealed

Approved February 18, 1891.

523]

AN ACT

[s. 475

To incorporate the Commercial Savings Bank of Birmingham, Alabama, etc.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That D. R. W. McIver, W. B. Copeland and F. H. Armstrong and their associates be, and they are hereby constituted and made a body corporate, with perpetual succession under the name and style of the Commercial Savings Bank, with all the powers and privileges incident to bodies corporate in this state, and such others as are hereinafter conferred. Name, rights, etc

SEC. 2. *Be it further enacted*, That said corporation shall have power to purchase, hold and dispose of property, real and personal, or any interest therein; to lease, improve or mortgage the same; to loan money on real estate, personal property and other security; to issue, buy and sell bills of exchange, both foreign and domestic; to discount, buy, sell or collect bills and notes, or other evidences of debt; to issue and sell debenture bonds in such series, classes and denominations and bearing such interest, not exceeding eight (8) per cent. per annum, as it may deem best; said debentures to be secured by mortgage, deed of trust Powers

of real or personal property, or by hypothecation of any property or securities, or by any other security as may be deemed best.

**MAY NEGOTIATE LOANS, ETC.** SEC. 3. *Be it further enacted*, That said corporation shall have the power to negotiate loans, and to guarantee the payment of the principal or interest thereon; one or both if so desired; to act as agent or broker for resident or non-resident individuals, or corporations in connection with the negotiation and placing of loans on real estate, mortgage or other security, acting therein either for the borrower or lender, or as middleman, and to receive for its services such compensation in the premises as may be agreed upon; to purchase, hold, dispose of and to negotiate as principal, or agent, or trustee, bonds of municipal or private corporations or individuals, stocks, bills or notes, or other choses in action or evidences of debt.

**DEPOSITS** SEC. 4. *Be it further enacted*, That said corporation shall have power to receive and hold, on special or general deposit, money or other things of value on such terms and upon such trusts and uses, and for such purposes as may be agreed upon with the depositor.

**MAY ACT AS SURETY OR GUARANTOR** SEC. 5. *Be it further enacted*, That said corporation shall have power to act as surety or guarantor for officials and other individuals, or for corporations; to indorse and become surety for individuals or corporations who may negotiate loans through it; to guarantee the payment of bonds, notes or other obligations, and the interest thereon; to secure itself against loss growing out of such suretyship, guaranty or indorsement; it may take such security by way of mortgage or pledge or absolute transfer as may be agreed upon; and it may charge for such services such compensation as may be agreed upon.

**MAY ACCEPT TRUSTS, ETC.** SEC. 6. *Be it further enacted*, That said corporation shall have power to accept and execute all such trusts as may be committed to it by order of court, or by any individual, firm or corporation, foreign or domestic, according to the terms thereof; to act as executor or trustee of estates intrusted to its care, and to operate and control any manufacturing or industrial business as may become necessary or desirable in the execution of said trusts; and to receive as such compensation for

its services as may be reasonable or as may be agreed upon; *Provided, however*, that said corporation shall not be required to accept any such trust or appointment without its own consent.

SEC. 7. *Be it further enacted*, That said corporation shall have power to make and enter into such contracts and perform all such matters and things as may be necessary or desirable, directly or remotely, to carry out the several purposes of this corporation as herein set forth and declared. May make contracts, etc

SEC. 8. *Be it further enacted*, That the capital stock of said corporation shall be fifty thousand (50,000) dollars, divided into five hundred (500) shares of a par value of one hundred (100) dollars each, with the privilege of increasing the same at any time to five hundred thousand (500,000) dollars by a vote of two thirds of the stockholders present at a meeting held for that purpose, after giving thirty (30) days notice thereof by advertisement. The existing stockholders shall have the preference in taking such stock. The managing board of said corporation shall consist of not less than three nor more than nine directors, who shall in their by-laws provide for the creation of such officers and agents, and for the holding of such regular and stated meetings as they may deem necessary. The principal place of business of said corporation shall be in the city of Birmingham, Ala. Capital stock

SEC. 9. *Be it further enacted*, That said corporation shall be authorized to commence business when fifty per cent. of its capital stock is subscribed for by actual *bona fide* subscribers, and fifty per cent. of said subscription is actually paid in. When authorized to commence business

Approved February 18, 1891.

524]

AN ACT

[s. 237

To amend certain sections of the charter of Oxford, and to give said town of Oxford power to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 of an act to amend and

Charter  
amended

revise the charter of the town of Oxford approved February 17, 1885, be amended so as to read as follows: Section 2. Be it further enacted, that the corporate

Corporate  
limits

limits of said town of Oxford shall embrace and include all the land within three-fourths of one mile of the railroad culvert on the East Tennessee, Virginia and Georgia Railroad in said town, and its police jurisdiction shall extend one mile beyond its corporate limits; *Provided*, none of the territory covered by the corporate limits of the town of Oxanna is included in the corporate limits of the town of Oxford; *And provided further*, that the police jurisdiction of the town of Oxford shall not extend over any of the territory embraced in the town of Oxanna.

A musements

SEC. 2. *Be it further enacted*, That subdivision 5 of section 15 of said act be amended so as to read as follows: 5. To license, tax, regulate, restrain, and control or prohibit theatrical and other amusements.

Authority to  
issue bonds

SEC. 3. *Be it further enacted*, That the mayor and councilmen of the town of Oxford be and they are hereby authorized to issue bonds of said town of Oxford to an amount not exceeding fifty thousand dollars, or so much thereof as said mayor and councilmen may deem necessary for the purposes hereinafter named, in sums of one hundred dollars each, and payable at such times and places, not exceeding twenty years from the date thereof, and redeemable at the pleasure of said town, at any time after a period of ten years from their issue, with coupons attached bearing not exceeding eight per cent. interest per annum and payable annually to bearer.

To be signed,  
etc

SEC. 4. *Be it further enacted*, That the bonds authorized to be issued under this act shall be signed by the mayor and countersigned by the treasurer of said town, and the seal of the town shall be affixed thereto, and the said treasurer is required to keep a correct record of all bonds issued under this act.

Authorized  
to carry out  
powers

SEC. 5. *Be it further enacted*, That the said mayor and councilmen of the town of Oxford are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent or agents duly authorized or appointed by them for that

purpose at any meeting of said mayor and councilmen, whether at a regular or special meeting thereof, and no technical informality, irregularity or omission in the proceedings or records of said meetings and doings shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 6. *Be it further enacted*, That the mayor and councilmen of said town of Oxford are hereby authorized and empowered to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than ninety-five per cent. of their face value and the proceeds of said bonds shall be paid over to and kept by the treasurer of said town, to be used and applied to the purchase and construction of a system of water works for said town, to paying for opening and improving the streets of said town, to paying for the equipment of fire companies necessary for protection against fires in said town, to paying for the construction of a system of sewerage for said town, to erecting necessary public buildings for said town, and for refunding the present bonded indebtedness of said town; such use, payment and application of said proceeds to be under the direction and by authority of the mayor and councilmen of said town. The said treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other town funds or money in his hands as treasurer.

May negotiate and sell bonds

Application of proceeds

SEC. 7. *Be it further enacted*, That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Laws in conflict repealed

Approved February 18, 1891.

525]

AN ACT

[s. 488

To confirm the incorporation and organization of the Florence Investment Company, and to declare and define the powers of said company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization

Incorporation  
confirmed

of the Florence Investment Company, and the amendment thereto, dated March 11, 1890, heretofore had under the general laws of this state, and by and under proceedings had in the probate court of Lauderdale county, Alabama, be and the same is in all things confirmed.

Rights, powers, etc

SEC. 2. *Be it further enacted*, That said corporation shall have and possess all the rights, powers, franchises, privileges and immunities by the general laws of the state conferred on such private corporations, and all general laws applicable to such private corporations shall be and are hereby made applicable to the said corporation, the Florence Investment Company.

Powers

SEC. 3. *Be it further enacted*, That said corporation, the Florence Investment Company, has power to buy, sell, exchange, mortgage, lease, improve and deal in real estate, to erect buildings and structures on real estate and to erect, manage and dispose of the same. To deal in stocks, bonds and securities, to loan money and to secure the same, to act as agent, attorney in fact and broker for all persons holding interest in property real and personal. To donate property, real and personal, for the purpose of encouraging manufacturing and railroad enterprises and other industries or enterprises which said corporation may consider conducive to the development of the company, and to engage in any other industrial business or lawful enterprises.

Approved February 18, 1891.

526]

AN ACT

[s. 354

To better provide for the establishment and working of the public roads in this state.

Fund for  
maintenance  
of public  
roads

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court, or board of revenue, of each county in this state shall appropriate and set apart such portion of the whole county revenue as it may deem proper, not to exceed one-



fourth ( $\frac{1}{4}$ ) thereof; or in lieu thereof, if it prefers to do so, may levy a special road tax not to exceed one-tenth ( $\frac{1}{10}$ ) of one (1) per cent. on the taxable property of the county which shall be a part of the one-half of one per cent. now authorized by the constitution, for county purposes, to be assessed and collected as other taxes, for the purpose of aiding in the establishment and maintenance of the public roads and bridges in the county, and the fund so set apart or raised by special taxation shall be kept separate and apart from other funds by the county treasurer, and used only for the purposes indicated in this act.

SEC. 2. *Be it further enacted*, That it shall be the duty of the court of county commissioners, or board of revenue, to divide the county into such number of road districts as it may deem proper, and to appoint a road commissioner for each of said districts, who shall serve two years, unless sooner removed by the court of county commissioners; *Provided*, that incorporated cities and towns shall not be embraced in such road districts. Road districts; road comm'rs

SEC. 3. *Be it further enacted*, That the sum so appropriated and set apart, or raised by special taxation, shall be equitably divided among the several road districts hereinafter provided for, and when so apportioned by the court of county commissioners, or board of revenue, shall be entered to the credit of the respective road districts by the county treasurer in an account to be kept by him with each of said road districts, and shall be paid out only on the written order of the road commissioner, which order shall state specifically for what purpose the same is paid out, and the road district to which it is to be charged. Road districts accounts kept separate

SEC. 4. *Be it further enacted*, That such road commissioner shall, before entering upon the duties of his office, be required to give bond in such amount as may be prescribed by the court of county commissioners, or board of revenue, payable to the county, and conditioned for the faithful performance of his duties, as such road commissioner, and shall take and subscribe an oath to be administered by the judge of probate, that he will, to the best of his ability, discharge the duties of his office, and faithfully account for all Road commissioners bond

moneys and other property which may come into his hands, by virtue of his office.

Overseers  
and their  
duties

SEC. 5. *Be it further enacted*, That each road commissioner shall have the control and supervision of the overseers and public roads, bridges, cause-ways and culverts in his district, and shall direct the manner of working roads and keeping up said bridges, cause-ways, and culverts; and it shall be the duty of the overseers to work the public roads and repair the bridges, cause-ways and culverts as directed by said commissioners.

Application  
of road  
funds

SEC. 6. *Be it further enacted*. That the road commissioner shall apply the funds apportioned to his district, first, to the payment for such tools, implements and machines as the commissioners court or board of revenue may order purchased for the working of the roads in his district; second, for the payment of his own services; third, for the payment of the per diem of the overseers in his district; fourth, for the construction or repairing of such bridges and culverts as are not built and maintained by the commissioners court; fifth, for hiring labor and teams for working the roads in his district.

Duty of  
judge of pro-  
bate and  
sheriff

SEC. 7. *Be it further enacted*, That the judge of probate shall, within ten days after the appointment of any road commissioner, deliver certificates in duplicate to the sheriff, giving the bounds of his road district, and such sheriff shall deliver one copy to said commissioner, and make his return upon the other, within twenty days, to be filed in the office of the judge of probate, and for a failure to do so, said sheriff shall forfeit and pay ten dollars for each failure, to be recovered by suit on his official bond before any justice of the peace or notary public having the jurisdiction of a justice of the peace of said county, by any road hand, or tax payer of the county, suing therefor in the name of the county, such penalty to be paid into the county treasury, for the benefit of such road district.

Removal of  
road com-  
missioners

SEC. 8. *Be it further enacted*, That the court of county commissioners, or board of revenue, may remove any road commissioner from office for failure to properly perform any of the duties required of him, and may direct suit to be brought, in the name of the county, on his official bond, for any breach of the con-

ditions thereof, and all damages recovered by such suits shall, when collected, be paid into the county treasury to the credit of the road district where such default occurred.

SEC. 9. *Be it further enacted*, That such road commissioner shall keep a correct record of all official business done by him, and make report of the same to the judge of probate at the end of each quarter, and by 25th day of December of each year, shall make an itemized statement, in writing, showing how the money appropriated to, and received for his district, has been expended, and the amount on hand, which statement, with vouchers for all moneys paid by him, shall be filed in the office of the judge of probate, subject to the inspection of the taxpayers and road hands of their respective districts.

Record, reports, etc

SEC. 10. *Be it further enacted*, That the road commissioner shall divide his district into such sections, or road precincts, as he may deem most convenient, and make such changes in the same from time to time, as he may deem best, and appoint an overseer for each section, who shall serve one year, unless sooner discharged by the commissioner; and within ten days after the overseer is appointed, the road commissioner shall deliver to him a commission, giving him the limits and grade of his section or precinct of road, together with a list of the hands apportioned to his section or precinct, which list may be changed whenever the road commissioner may deem it for the best interest of the roads in his district, but when hands have been once apportioned to the overseer and the apportionment is afterwards changed, it shall be the duty of the overseer to give to the hand, or hands, taken from his section, a statement in writing, showing the number of days such hand has worked, which shall be placed to the credit of such hand by the overseer of the section to which the hand is transferred. Upon delivery by the road commissioner of the commission and list of hands above provided for, it shall be the duty of such overseer, on demand of the commissioner, to give him a written acknowledgement of the receipt of such commission and list of hands, which may be filed in the office of the judge of probate.

Overseers and their duties

Tools, imple-  
ments and  
machines

SEC. 11. *Be it further enacted*, That the road commissioners shall take charge of all road tools, implements and machines belonging to their respective districts, and may require overseers to give bond for the safe custody of such tools, implements and machines furnished to them, and the commissioner shall not allow any overseer his per diem until he shall account for all tools and other property of the county so furnished him, and for all tools, implements and machines lost while in custody of the overseer, a deduction of the amount of the value thereof shall be made from the pay of such overseer, unless the same are replaced, unless otherwise ordered by the court of county commissioners, or board of revenue.

Comm'r to  
purchase  
material

Shall not let  
contract to  
anyone re-  
lated to him

SEC. 12. *Be it further enacted*, That the road commissioner may purchase tools, implements and machines (under the order of the commissioners court, or board of revenue), that can not be furnished by the hands, and timber or other material to keep the roads, bridges and culverts in repair, and may contract for the building and repairing of small bridges and other work, to be paid for by such commissioner with any money in the county treasury belonging to his district, not otherwise appropriated; but he shall not contract any debts to be paid out of any future appropriations, and in no case shall a contract be let to a road commissioner nor to any one who is related to him by affinity or consanguinity within the third degree, nor shall such commissioner have or hold any interest in any contract in connection with any person for work to be done on highways, bridges and culverts.

Removal of  
overseers, etc

SEC. 13. *Be it further enacted*, That the road commissioner may remove any officer who shall fail or refuse to perform his duty, or comply with any reasonable order of said commissioner, and appoint another in his place; and in all disputes with hands in regard to their respective duties, the overseer may refer the matter in dispute to the commissioner, in which he shall abide his decision.

Settlement  
with over-  
seer

SEC. 14. *Be it further enacted*, That the road commissioners shall settle with the overseers in their respective districts before the twenty-fifth day of December of each year, for services rendered by giving them

orders on the county treasury for the amounts due them, and shall require such overseers to make oath before a justice of the peace, or other officer authorized to administer oaths, of the number of his days work and all other actual service, and may require other proof when necessary, and shall require satisfactory evidence of the safe-keeping of all tools, implements and machines furnished to said overseer, and may further require him to turn over all tools, implements and machines, before paying him his per diem.

SEC. 15. *Be it further enacted*, That overseers, upon receiving their commissions, shall take immediate supervision of their respective road sections, or road precincts, and may work the same at any time they may think necessary, or the commissioners may direct, by giving one days previous notice to the hands, either in person or by substitute, or by leaving a written notice for the same length of time, at the residence of the hand; and they shall be present and superintend all work done, and shall not require more than three days work of any one hand in any week, unless it shall be for the removal of obstructions that prevent travel, occurring after he shall have worked for three days, and all overseers who have more than twenty hands apportioned to their road sections or precincts may work part of said hands part of the time and part of them at other times, unless the road commissioners order otherwise.

Overseers  
and road  
hands

SEC. 16. *Be it further enacted*, That if any public road shall become impassable, by reason of any casualty whatever, the overseer shall give immediate notice to any hands of the road section, or road precinct, on the road where the casualty occurs, who shall attend and repair the same, and such hands shall be allowed a credit for the time employed, upon any future work.

When road  
impassable

SEC. 17. *Be it further enacted*, That overseers shall dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail to do good and efficient work, or who shall hinder other hands, or who shall be intoxicated, or who may refuse to obey any reasonable direction or order of the overseer, or who shall spend his time in idleness or inattention to the work assigned him; and shall proceed

Causes for  
dismissal of  
hands

against such hand as though he had failed or refused to obey the notice to work said road.

SEC. 18. *Be it further enacted*, That overseers, with the approval of the road commissioner, may exempt, or excuse, from working on roads in his road section, or road precinct, any person he may think unable to perform such work, and who is at the same time unable to pay the commutation as hereinafter provided for, but such exemption must be in writing, and shall not continue in force longer than one year from the date thereof.

SEC. 19. *Be it further enacted*, That it shall be the duty of the overseer to prosecute all defaulters for not working on roads as hereinafter provided.

SEC. 20. *Be it further enacted*, That a days work within the meaning of this act, shall be eight hours of actual faithful service.

SEC. 21. *Be it further enacted*, That all male inhabitants over eighteen and under forty-five years of age, except such as are permanently disabled from performing ordinary manual labor, and such as have but one arm or one leg, and except indigent decrepit persons, and idiots, who are unable, by manual labor, or physical exertion, to obtain a living or support, shall be liable to work on the public roads of said county not exceeding ten days in any one calendar year, on one day's notice given by the overseer, or by a substitute appointed by him, of the time and place to commence work; *Provided*, that any hand so notified may be exempted from work by sending an able-bodied substitute, or by paying to the road commissioner of his district the sum of one dollar for each day he is so warned to work, and it shall be the duty of such road commissioner to give such road hand so paying, a receipt therefor, in duplicate, one of which shall be delivered by said road hand to his overseer, and it shall be the duty of such overseer, or as soon thereafter as practicable, to hire a hand or hands to work out the time covered by such receipt, and when the time is so worked out, to give such hired hand, or hands, an order on the commissioner for his or their pay; and it shall be the duty of such commissioner to pay such order out of the funds so by him received in commutation



for work; *Provided further*, that when any hand appor-  
 tioned to, and warned to work, shall claim exemption  
 by reason of being under or over, the legal age, or for any  
 other cause allowed by law, such overseer may require  
 such person to take and subscribe an oath to be admin-  
 istered by such overseer, or other person authorized to  
 administer oaths, stating the grounds, or reasons, for  
 which such exemption is claimed, and any person who  
 wilfully or corruptly makes such oath, shall be guilty of  
 perjury and shall be punished therefor as provided by  
 section 3907 of the code of Alabama.

Oath by  
 those claim-  
 ing to be ex-  
 exempt

Perjury

SEC. 22. *Be it further enacted*, That any person  
 liable to road duty who shall wilfully fail, or refuse, af-  
 ter legal notice, to work on a public road, either in per-  
 son or by substitute, or to pay the commutation as  
 provided by section 21 of this act, without a sufficient  
 excuse therefor, to be determined by the overseer, jus-  
 tice of the peace, or jury trying the same, shall be  
 guilty of a misdemeanor, and, on conviction, shall be  
 punished as provided by section 4126 of the code; and  
 all fines collected for such defaults, shall be paid to the  
 commissioner of the road district, or road precinct, in  
 which such default occurred, who shall apply the same  
 to the hire of hands and other expenditures for the road  
 section, or road precinct, in which such default  
 occurred; *Provided*, that all defaults shall be  
 primarily triable before a justice of the peace,  
 or a notary public having the jurisdiction of  
 a justice of the peace in the road precinct of the de-  
 faulter; but if there be no justice of the peace, or no-  
 tary public having the jurisdiction of a justice of the  
 peace in such road section, or road precinct, or if he be  
 disqualified from trying the same, then before a justice  
 of the peace, or notary public having the jurisdiction  
 of a justice of the peace in any adjoining road precinct,  
 or road section.

Misde-  
 meanor

Fines

Trials

SEC. 23. *Be it further enacted*, That the overseer  
 shall, in warning hands to work on the public roads,  
 specify the kind of tools and teams such hands shall  
 furnish, but no hand shall be required to furnish any  
 tools or teams unless he owns the same; and when a  
 hand is warned to furnish, and does furnish a horse or  
 mule and plow, he shall be allowed one day's credit on

Tools and  
 teams

his time of working for the use of such horse or mule and plow, or one dollar in money at his option; and a like credit for a one-horse wagon and team, or one-horse or one-ox team and scraper, or one dollar at his option; and for a two-horse or two-ox plow or wagon and team, or a two-horse scraper and team, a credit of two days work, or two dollars, at his option; and where money is demanded, the same shall be paid by the road commissioner on the certificate of the overseer given to the person entitled to the same, specifying the number of days, and the service performed.

Road dis-  
tricts num-  
bered

SEC. 24. *Be it further enacted*, That the road districts shall be numbered consecutively from one upwards, and all receipts and disbursements by the treasurer shall be numbered to correspond with the district from which received, or disbursed, and entered to the proper account by the corresponding numbers.

Inspection  
of roads

SEC. 25. *Be it further enacted*, That it shall be the duty of the road commissioners to make a careful inspection of the public roads, bridges, causeways and culverts in their respective districts at least every three months, and report under oath, to the court of county commissioners, or board of revenue, their condition, and how each overseer has performed his duty; and if any bridge or culvert shall be unsafe for crossing, they shall immediately post a notice conspicuously at such bridge, notifying the public that the bridge is unsafe, and if any person sustain damage by going on on said bridge after such notice shall be posted, then the county shall not be held liable therefor.

Failure to  
perform du-  
ty; penalty

SEC. 26. *Be it further enacted*, That if any overseer or commissioner shall wilfully fail or refuse to perform any duty required of him by this act, he shall forfeit and pay not more than twenty-five dollars for each such failure or refusal, to be recovered by any person suing therefor in the name of the county, before any justice of the peace, or notary public having the jurisdiction of a justice of the peace, which shall be paid by the officer collecting the same to the county treasurer, or to the commissioner of the district, for the benefit of such road district in which the default occurs; and for continued negligence in keeping his roads, or bridges, cause-ways,

or culverts in good repair, any overseer or commissioner may be indicted, and upon conviction, may be fined not more than fifty dollars, and the judge of the circuit court shall give this act in special charge to the grand jury; but it shall be a good defense for any commissioner or overseer failing to keep any road or bridge, cause-way, or culvert, in good repair, to show by satisfactory proof that the entire apportionment in money and labor required by law, had been applied, in good faith, to such roads, bridges, cause-ways, and culverts, as soon as practicable after said labor and money was available to him.

Special  
charge to  
grand jury

SEC. 27. *Be it further enacted*, That each overseer shall, before entering upon the duties of his office, be required to take and subscribe an oath, to be administered by the road commissioner, or any person authorized to administer oaths, that he will faithfully discharge the duties of overseer to the best of his ability, and account for all property belonging to the county, or road district, that may come into his hands by virtue of his office, and that in warning and working hands, he will do so without favor or partiality, which shall be filed in the office of the judge of probate in said county; and for the care of the tools and other property belonging to the county or road district, such overseer shall be paid an amount to be determined by the court of county commissioners, or board of revenue, not to exceed one dollar and fifty cents per day for the time he is actually employed in the working of roads, building, or repairing bridges, or culverts, or obtaining material therefor and apportioning hands. The performance of their official duty under this act shall be deemed working on the public roads by the road commissioners and overseers, but shall not operate an exemption except while in office, and the court of county commissioners, or board of revenue, shall determine the pay of each road commissioner for services as such, but the same shall not exceed two dollars and fifty cents per day for the time employed in road service, or looking after the repairing of roads and bridges and apportioners of roads; and no commissioner shall appoint any person overseer who is related to him within the fifth degree of affinity or consanguinity, and

Oath of  
overseer

Pay of  
overseer

Pay of  
comm'r

Appointme't  
of overseer

no person shall be eligible as overseer except persons liable to road duty, except in cases where the commissioner finds it impossible to secure the services of a person competent and suitable to act as such within the legal age, in which case, he may appoint one who is over the legal age, but when such appointment is made, he shall report the same to the court of county commissioners, or board of revenue, at the regular term thereof, who may either approve or set aside the appointment, and if not approved, a new appointment shall be made by the road commissioner. The road overseer, when requested by the commissioner to do so, shall give him all the assistance in his power in apportioning the hands.

Overseer  
may change  
road

SEC. 28. *Be it further enacted*, That the overseer may change any road in his road section or road precinct with the consent of the road commissioner, expressed in writing, and with the consent of the owner of the land in which such change is made; *Provided*, such change does not increase the length or grade, or require more work to keep it up, or place the same on worse ground than it was before, or render said road in any way worse than it was before the change; or he may make such change without the consent of the owner of the land, subject to review by the court of county commissioners, or board of revenue, upon complaint of the land owner.

Damages for  
opening  
roads, etc

SEC. 29. *Be it further enacted*, That when a new road is opened or an old road changed by order of the court of county commissioners, any owner of the land over which it passes, may, within three months after the making of such order, make application to the court of county commissioners, or board of revenue, for damages resulting to his land from its establishment or change, and thereupon the court of county commissioners shall issue an order to the road commissioner of the district from which the application comes, directing him to summon a jury of seven disinterested householders and freeholders of the county, to attend at a time and place to be designated by him, for the purpose of assessing the damages, and said road commissioner shall have the power to supply the place of any jurors so

Jury

summoned who fail to attend, by summoning other householders and freeholders of the county, and when the jury is empaneled, they shall be sworn truly to inquire and assess such damages as will probably accrue from the road, which oath may be administered by the road commissioner, or by any justice of the peace, or in the absence of both, by one of the jurors so summoned, and such jury may examine the land, hear such proof as any person interested may submit and as the jury may deem necessary, assess the damages and certify the same in writing to the road commissioner, who shall make report of his proceedings under oath, together with the verdict of the jury, to the next term of the court of county commissioners, or board of revenue. It shall be the duty of any constable in the district to execute summons for jurors under this act.

SEC. 30. *Be it further enacted*, That the road commissioner may, when there is no constable in his district, deputize a person to serve summons for jurors, and each juror shall be allowed one dollar per day and mileage; such costs to be paid out of the road fund belonging to the district, upon the order of the road commissioner.

Pay of constable, jurors, etc

SEC. 31. *Be it further enacted*, That the managers or employers of hands, when required by the road commissioners, shall furnish them with lists in writing of those who are liable to work on the public roads, and who are in their employ or under their management, signed by them, under penalty of paying three dollars for each man so liable to road duty, and whose names are not furnished, to be collected as fines for not working the public roads. The amounts arising from such penalties to be used for road purposes in the road district where such hands are employed.

Employees, etc. to furnish best of hands

SEC. 32. *Be it further enacted*, That the residence of any road hand who has a family shall be held to be where his family resides and the residence of any other road hand shall be held to be where he boards in any road district.

Residence

SEC. 33. *Be it further enacted*, That the commissioners court, or board of revenue, may direct or empower any road commissioner to purchase, or procure, all necessary tools, implements, iron or steel, foot scra-

Purchase of tools, etc

pers, road machines, road plows, or either of them, for the use of his road district.

Foot bridges SEC. 34. *Be it further enacted*, That overseers of roads shall, when directed by the road commissioners, erect foot bridges or foot ways over streams of water where there are no bridges on the line of roads in their road sections, or road precincts, when practicable.

Water troughs SEC. 35. *Be it further enacted*, That overseers of roads shall, when directed by the road commissioner, provide water troughs, or watering places, for animals, on the line of roads in their respective road sections, or road precincts.

Bridges over private water ways, etc SEC. 36. *Be it further enacted*, That all necessary bridges over mill races and private water ways, such as canals, &c., crossing the public roads, shall be constructed and kept in repair by the owners of such mill races, water ways, and all necessary bridges over ditches and drains cut by railroad companies, or owners of railroads, shall be constructed and kept in safe repair by the railroad companies or owners, under a penalty of fifty dollars, to be collected by suit by any person, in the name of the county, for the use and benefit of the roads in the commissioners district where such mill races, ditches or drains are dug or cut.

More labor than due SEC. 37. *Be it further enacted*, That if any road hand, during the year, shall perform more labor than is due from him, the road overseer shall give him a certificate, specifying the extra labor performed, which shall be received in satisfaction of labor or road tax in any subsequent year.

Number of days, road tax, etc SEC. 38. *Be it further enacted*, That the court of county commissioners, or board of revenue, shall, at the February term thereof, assess the number of days to be worked by road hands during the year upon the roads, shall fix the rate, and assess the special tax for road purposes, as provided by section one of this act.

Free from service SEC. 39. *Be it further enacted*, That the road commissioners and overseers, during their respective terms of office, and such persons as pay to the road commissioners in their respective districts by the first day of February in each year the sum of five dollars, in cash, shall be free from personal service on the roads, except in the performance of their official duties.



SEC. 40. *Be it further enacted*, That all persons confined in the county jails or prisons in the county, awaiting trial, and who prefer to work, and persons who are sentenced to hard labor for the county, not otherwise disposed of, or persons who are imprisoned for non-payment of fines and costs, may be employed by the commissioners court, or board of revenue, in working the public roads, but the costs incident to the conviction of criminals shall be paid or otherwise provided for by the court of county commissioners, or board of revenue, but to all prisoners who have not been convicted who work on the public roads, certificates shall be issued by the road overseer, or road commissioner, showing the number of days they have worked, and the same shall be received in the payment of their taxes or fines and costs assessed against them, or in commutation for road services, at fifty cents per day.

Prisoners

SEC. 41. *Be it further enacted*, That the court of county commissioners, or board of revenue, may adopt, as far as practicable, the rules and regulations established by the board of inspectors of the penitentiary for the treatment and safe keeping and management of convicts employed outside of the prison walls.

Rules

SEC. 42. *Be it further enacted*, That the court of county commissioners, or board of revenue, shall see that convicts and prisoners worked upon the public roads are well fed and clothed and humanely treated, and to this end they, or some of them, shall visit the places where said convicts, or prisoners, are worked at least every forty days, and investigate their management and treatment.

Treatment of prisoners

SEC. 43. *Be it further enacted*, That the court of county commissioners, or the board of revenue, may increase or diminish the number, or alter or change the road districts in their county as they may deem best. Vacancies in commissioners may be filled at any quarterly term, such commissioners to serve only the unexpired term of their predecessors.

Changing districts

SEC. 44. *Be it further enacted*, That the road commissioners shall serve at least one term, and any person subject to road duty, who shall fail or refuse when served with notice of appointment, shall be guilty of a

Road commissioners shall serve

misdemeanor, but for good cause shown, the court may receive the resignation of any commissioner, presented in writing, giving the reason for resigning, and no person shall be compelled to serve more than one in three consecutive terms.

Overseers

SEC. 45. *Be it further enacted*, That no person is bound to serve as an overseer of a road who does not live within the bounds including the hands assigned to work on said road.

SEC. 46. *Be it further enacted*, That no person is bound to serve as an overseer of a road in any county more than two years in five.

Overseers  
shall serve

SEC. 47. *Be it further enacted*, That any person appointed and bound to serve as overseer on any road shall, if he refuse to serve agreeably to the order of the court of county commissioners, or board of revenue, forfeit fifty dollars for the use of the county, to be recovered on motion of the state's solicitor, at the term of the circuit court next after he is informed of such refusal, unless the appointee shall show the court a sufficient cause for his refusal, and he shall also be guilty of a misdemeanor, and the fines and forfeitures so collected shall be used in keeping up the roads of the road district or road precincts, upon which such overseer was appointed.

Payment of  
comm'rs of  
roads

SEC. 48. *Be it further enacted*, That the commissioners of roads shall retain their compensation for their services out of the moneys in their hands, if there be an amount sufficient therefor, not otherwise appropriated, upon the approval of their accounts by the chairman of the commissioners court or board of revenue. Their accounts for services shall be itemized so as to show when and in what way the services were rendered, and upon affidavit, and the chairman of the commissioners court or board of revenue may require additional proof when any question as to the correctness of the account is brought to his notice.

Civil  
engineer

SEC. 49. *Be it further enacted*, That the court of county commissioners, or board of revenue, may, if it is deemed best, appoint a competent civil engineer to supervise the opening of roads, and the changing thereof, and to direct the manner in which they shall be worked, embankments made, and bridges built, in

which case, if so ordered by the court of county commissioners, or board of revenue, the road commissioners shall see that all road work is done according to the direction of such civil engineer.

SEC. 50. *Be it further enacted*, That it shall be the duty of the county treasurer to make a report to, and settlement with, the chairman of the court of county commissioners, or board of revenue, for all funds appropriated, or coming into his hands, for the benefit of public roads, and shall account for the same, in the same manner that he is required to do for other county funds, and shall be allowed to retain the same commissions as are paid by law for receiving and paying out other funds.

SEC. 51. *Be it further enacted*, That it shall be the duty of the court of county commissioners, or board of revenue, to furnish printed copies of this act for the use of the road commissioners and overseers.

SEC. 52. *Be it further enacted*, That, except as the same may be in conflict with this act, the laws now in force in this state in reference to roads and bridges shall continue in force, and all laws in conflict with this act be, and the same are hereby repealed; *Provided, however*, that nothing in this act shall be so construed as in any way to alter, impair or abridge the power of the court of county commissioners, or board of revenue, to build, repair and maintain bridges.

SEC. 53. *Be it further enacted*, That this act shall not become operative and binding as the law, in any county in this state, unless the court of county commissioners, or board of revenue, shall first adopt its provisions at a regular term by the passage of a resolution accepting the provisions of said act, and declaring the same to be in force in such county, as the law thereof, which resolution shall be copied, in full, on the minutes of said commissioners court, or board of revenue; *Provided*, that the provisions of this act shall not apply to the counties of Russell, Choctaw, Coffee, Geneva, Mobile, Cleburne, Dallas, Chambers, Barbour, Franklin, Covington, Madison, Greene, Pickens, Wilcox, Chilton, Autauga, Marengo, Clay, Talladega, Lawrence, Jefferson, Hale, Lowndes, Butler, Macon,

Marion, Bibb, Blount, Bullock, Pike, Morgan, Lamar, Lee, Baldwin, Etowah and Calhoun.

Approved February 18, 1891.

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AN ACT

[s. 464

To incorporate the Alabama City Land and Development Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. M. Elliot, Jr., Obal Christopher and R. B. Kyle, all of this state, and their associates, successors and assigns, be, and the same are hereby created a body corporate under the name and style of the Alabama City Land and Development Company, and in and by that name and title shall have perpetual succession as a body corporate, may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracted with, adopt, use and alter at pleasure a corporate seal, and exercise all the rights and franchises hereinafter granted.

Name, rights,  
etc

Capital stock of said corporation shall be such sum as the corporators hereinabove named shall fix and establish, not less than one hundred thousand dollars, or more than five million.

SEC. 3. *Be it further enacted*, That the corporation shall have the right and power after its organization to increase its capital stock from time to time as a majority in value of the stockholders thereof in convention assembled shall determine, not to exceed the sum of five million dollars.

Increase of  
capital stock

SEC. 4. *Be it further enacted*, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings or conventions of the stockholders, shall be entitled to cast in person or duly appointed proxy, one vote for each share of stock owned by such voting stockholder. Executors, administrators, shall have power to represent the stock of his, her or their testator, or intestate, guardians to represent the stock of the person or persons for whom such guardian or guardians may be empowered to act.

Vote of  
stockholders

SEC. 5. *Be it further enacted,* That the persons named as corporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises shall meet at such time and place in Alabama City, or at such other place in this state as they shall designate and appoint, and at such appointed time and place shall proceed to take and receive subscriptions to the capital stock of said company payable in such time and manner as may be determined and agreed on by and between a majority of said corporators and associates acting with them and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at subsequent or adjourned meeting or meetings, as may be deemed necessary, if not completed at first meeting.

Subscriptions  
to stock

SEC. 6. *Be it further enacted,* That when as much as one hundred thousand dollars has been subscribed as authorized in section two above named to the capital stock of said company, and one-fourth of said subscription paid in, either in cash or in property at cash value by bona fide subscribers, then at such time and place in said State of Alabama as may be determined by a majority of the subscribers in interest to said stock, there shall be a meeting of said subscribers for the purpose of organizing said company by the election of a board of directors to consist of not less than five members, and said directors to be chosen from the subscribers to the stock by ballot. The offices of said company shall be a president and a secretary and treasurer, and such other offices as the board of directors may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also elect the other officers and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders, the time and place of holding which to be designated by the meeting at which such directors are elected, or on its

Organization

Officers

failure to do so, the time and place of such convention to be fixed by the board of directors, of which the stockholders shall receive such notice as the board shall direct. The election of said directors, and by them of the president, as provided as above, shall constitute the organization of said company.

Increase of  
capital stock

SEC. 7. *Be it further enacted*, That after the organization of said company, by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders of said corporation, convened for the purpose of voting upon a proposition, to be held after ten (10) days notice, given by publication in some newspaper, to be designated by the board of directors, the said corporation shall have the right from time to time to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time, and in doing so, may, as it may deem proper and advantageous, receive such additional subscription, payable in whole or in part, in real or personal property, or in stock, bonds, rights or franchises of other corporations, and may take and receive such subscriptions in the same manner, from either individuals or corporations engaged in the business of mining or producing or manufacturing of iron, or of steel, or of coal, or any of its products, and may take and receive proper conveyances for such land, mineral rights and personal property in payment of such subscriptions in stock.

Annual  
meetings

SEC. 8. *Be it further enacted*, That there shall be annual meetings, or conventions, of the stockholders as said Land and Development Company, at the principal office of the company, at Alabama City, Alabama, or at some other place equally as convenient to the stockholders, to be fixed by the board of directors, for the election of president and directors, and for the transaction of such other business relating to the interest of the company as such convention, when assembled, shall deem necessary or proper, of which convention such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe; *Provided*, that omission or failure to hold any such convention within



the time prescribed, shall not have the effect to cause a dissolution or discontinuance of said company. It shall require a representation of a majority in value of the stock held or owned in said company by stockholders, in person or by their duly constituted proxies or agents, to form a convention competent to transact business binding on the company, or stockholders. The number of directors to continue as provided in the sixth section above named, until otherwise provided by the company, which shall have power to increase or diminish the number as it shall deem proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election of their successors. Vacancies in the office of president of directors that may occur, may be filled until the subsequent election by the board of directors, a majority of which will constitute a quorum for the transaction of business. Said board, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on of its business, and may elect or appoint all such officers, other than president and directors, as may be deemed necessary and proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

SEC. 9. *Be it further enacted*, That the business of the Alabama City Land and Development Company is hereby declared to be, and shall be, the purchase and ownership of, and sale of, real estate and mineral rights, and timber rights and other property; and shall have and possess all the rights, powers, privileges, franchises and immunities by the general laws of the State of Alabama conferred on private corporations organized for mining, manufacturing and other industrial business, and all such general laws are hereby made applicable to the said Alabama City Land and Development Company. Business of company

SEC. 10. *Be it further enacted*, That the said Alabama City Land and Development Company shall also have full power to lay off its lands into lots and parcels and parks, and to lease, sell, donate and convey the same; to make sales, donations or loans of its lands or Powers

other property, money or effects to individuals or other corporations; and to donate land or money to schools, school houses and other educational purposes; to invest its funds or property in the capital stock of and become a stockholder in any other corporations formed or to be formed, or in the bonds of such corporation, and to retain or dispose of such stock in whole or in part at pleasure.

May issue  
bonds

SEC. 11. *Be it further enacted*, That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy at any meeting of said stockholders duly and legally called by the board of directors of said company for that purpose, shall have the power and authority, which is hereby given it, to make and issue its bonds for such sums and in such amount and payable at such time and times as the said stockholders may determine, which said bonds shall bear such rate of interest not exceeding six per cent. per annum as the said stockholders may deem best; and to secure the payment of said bonds and interest thereon the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal upon all of the property of said corporation, including its franchise or such part thereof as said stockholders may determine best. The said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company, and sealed with the seal of said corporation; and the said company is hereby authorized to sell and dispose of its said bonds for its purposes as the directors may think best, or pay the same for any real or personal property right or franchise purchased by said company on such terms as the board of directors may deem best for the company.

Rights

SEC. 12. *Be it further enacted*, That said Alabama City Land and Development Company shall have the right to lease and purchase and to hold and own the real, personal or mixed property or stock or franchises of other corporations, and the said Alabama City Land and Development Company may pay for the same in money, bonds or notes, or by an issue of its own stock on such terms and in such amount, and upon such con-

ditions as said corporation may deem best, acting by and through its stockholders in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

SEC. 13. *Be it further enacted*, That the said Alabama City Land and Development Company shall also have full power to do all acts necessary to maintain and operate a system of waterworks that may be constructed by them for the use of said city of Alabama City and of the land and property of said company, and to extend and enlarge the same from time to time as it may be necessary, drawing its water from any source of water supply to any reservoir or pumping station, or otherwise using it as said company may prefer, and it shall be a misdemeanor, punishable by fine and imprisonment, for any person in any way to defile or pollute the waters in any such source, water supply, canal, aqueduct or conduit used or to be used by said company, or to obstruct or in any way damage the same, or divert the water therefrom, without permission from the said Alabama City Land and Development Company, or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that may be used in connection with said water supply; or take water from any hydrant, cock or other fixture connected with said waterworks without permission from the said Alabama City Land and Development Company; or for any person having charge of any hydrant or water pipe, or dam, or canal, or lake connected with said waterworks, to allow or permit any other person to take, draw or use in any manner water from the same without permission from said Alabama City Land and Development Company; or for any person by false key or otherwise, after the water shall have been shut off from any premises by said company by their agent, to cause the said premises to be again supplied with water from said water cocks without permission from said company.

Water works

SEC. 14. *Be it further enacted*, That the said Alabama Land and Development Company shall have the right in accordance with the statutes of the state, authorizing lands to be condemned by writ of ad quod damnum to condemn such property, rights-of-way or

Right-of-way

water sources as may be necessary to enable said company, or the corporation organized by it, or with its assistance, to successfully construct, erect and operate said waterworks and a system of sanitary sewerage or drainage.

SEC. 15. *Be it further enacted*, That the said Alabama City Land and Development Company shall have the authority to exercise and enjoy any and all of the purposes, powers and franchises herein conferred or purchased, either individually or by assisting other persons or corporations in the exercise of such or like purposes, powers and franchises in such manner as said corporation may deem advisable.

SEC. 16. *Be it further enacted*, That this act shall go into effect as soon as it is approved.

Approved February 18th, 1891.

528]

AN ACT

[s. 88

To prohibit the selling, giving away or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors, within three miles of the Hebron Baptist Church, in Pickens county; or within five miles of Brookwood, in Tuskaloosa county; or within five miles of Arbor Spring Baptist Church, in Tuskaloosa county; or within three miles of Union Grove Baptist Church, in Beat Two, or within three miles of McKinney's School-house, in Beat Thirteen, or within five miles of Pierce Chapel Methodist Church, in Beat Seven, in Lee county; or within three miles of Big Creek Baptist Church, or within Memphis Beat No. 20, in Pickens county; or within Beat Five in Winston county; or within six miles of the Methodist and Baptist Churches and the Clopton Academy, in the town of Clopton, in Dale county; or within three miles of Mossy Grove Church and School house, in Pike county; or within two miles of Jones' Chapel, in Cullman county; or within two miles of Mt. Zion Baptist Church in Beat No. 10, in Crenshaw county;

or within three miles of Mt. Zion Baptist Church in Beat Four, in Chambers county; or within three miles of Mt. Pleasant Church in Beat Five in Chambers county; or within the corporate limits of the town of Hartselle, in Morgan county; or within five miles of Rocky Mount Methodist Church in Beat One in Chilton county; or within one and one-half miles of Kellyton Methodist Church, in Coosa county; or within eight miles of Oak Grove Church, in Pickens county; or within four miles of the O'Neal School house, in Limestone county; or within one-half mile of the Methodist Church in Toulminville, in Mobile county; or within three miles of the Clear Creek Cumberland Presbyterian Church, and New Hope Methodist Church, in Etowah county; or within six miles of the Court house at Daphne, in Baldwin county; or within two miles of Providence Church in Beat Three, in Dale county; or within the limits of Beat Ten, in Jackson county; or within five miles of the Cumberland Presbyterian Church in Larkinsville, Jackson county; or within three miles of the Holly Grove (colored) Baptist Church in Beat 14, Lamar county; or within one mile of the Methodist Episcopal Church South near Henryville, Marshall county; or within three miles of Shady Grove Baptist Church, or the Bethel Baptist Church, or within four miles of Mt. Moriah Baptist Church, or within two miles of Zebulon Baptist Church, in Pike county; or within two miles of Goodwater Church in Beat Five, in Dale county; or within one mile of Fresco Postoffice, in Coffee county; or within two miles of Holmes Gap Academy, in Cullman county; or within five miles of Corinth Church in Beat One, in Chilton county; or within six miles of Shorterville Baptist Church, in Henry county; or within two miles of Cowarts Baptist Church, in Henry county; or within two miles of Soule Chapel, M. E. Church, South, in Preston Beat, Sumter county; or within four miles of Lebanon Methodist Church, in Limestone county; or within six miles of Mt. Zion Methodist Episcopal Church South, in Beat 17, in Tallapoosa county; *Provided*, that this act for the above named church shall not go into effect until the first day of January,

1892; or after January 1st, 1892, within one-half mile of "The Church of the Innocents," in the addition to the city of Montgomery, known as West End; *Provided*, that this act shall not have effect within any territory in the city of Montgomery.

Liquor pro-  
hibition

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give away or otherwise dispose of any alcoholic, vinous or malt liquors, or other intoxicating drinks or beverages, or fruits preserved in alcoholic liquors, within three miles of Hebron Baptist church, in Pickens county; or within five miles of Brookwood, in Tuskaloosa county; or within five miles of Harbor Springs Baptist church, in Tuskaloosa county; or within three miles of Union Grove Baptist church in beat two; or within three miles of McKinney's school house, in beat thirteen, or within five miles of Pierce Chapel Methodist church in Lee county; or within three miles of Big Creek Baptist church, or within Memphis beat 20 in Pickens county; or within beat 5, Winston county; or within six miles of the Methodist and Baptist churches and the Clopton Academy in the town of Clopton, in Dale County; or within three miles of Mossy Grove church and school house in Pike county; or within two miles of Jones chapel, in Cullman; or within two miles of Mt. Zion Baptist church in beat No. 10, in Crenshaw county; or within three miles of Mt. Zion Baptist church in beat four, Chambers county; or within three miles of Mt. Pleasant church in beat five in Chambers county; or within the corporate limits of the town of Hartselle, in Morgan county; or within five miles of Rocky Mount Methodist church, in beat one, Chilton county; or within one and a half miles of Kellyton Methodist church in Coosa county; or within eight miles of Oak Grove church in Pickens county; or within four miles of the O'Neal school house in Limestone county; or within one half mile of the Methodist church in Toulminville, Mobile county; or within three miles of Clear Creek Cumberland Presbyterian church and New Hope Methodist church in Etowah county; or within six miles of the



court house at Daphne in Baldwin county; or within two miles of Providence church in beat 3, in Dale county; or within the limits of beat ten in Jackson county; or within five miles of the Cumberland Presbyterian church in Larkinsville in Jackson county; or within three miles of Holly Grove (colored) Baptist church in Lamar county; or within one mile of the Methodist Episcopal Church South, near Henryville in Marshall county; or within three miles of Shady Grove Baptist church, or within three miles of Bethel Baptist church, or within four miles of Mount Moriah Baptist church, or within two miles of Zebulon Baptist church in Pike county; or within two miles of Goodwater church in beat five in Dale county; or within one mile of Fresco post-office in Coffee county; or within two miles of Holmes Gap Academy, in Cullman county; or within five miles of Corinth church, in beat one, in Chilton county; or within two miles of Shorterville Baptist Church in Henry county; or within two miles of Cowart's Baptist church in Henry county; or within two miles of Soule's chapel Methodist Episcopal Church South, in Preston beat, Sumter county; or within four miles of Lebanon Methodist church in Limestone county; or within six miles of Mt. Zion Methodist Episcopal Church South, in beat 17 in Tallapoosa county; *Provided*, that this act for the above named church shall not go into effect until the first day of January, 1892; or after January 1st, 1892, within one-half mile of "The Church of the Innocents," in the addition to the city of Montgomery known as West End; *Provided*, that this act shall not have effect within any territory in the city of Montgomery; *Provided*, that the prohibition as to Oak Grove and Emory Chapel churches in Pickens county, shall not take effect until July, 1891; *Provided however*, that nothing contained in this act shall prohibit any one from giving away any such liquors hereinbefore named within six miles of the Methodist and Baptist churches and the Clopton Academy in Clopton, in Dale county.

SEC. 2. *Be it further enacted*, That any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than

Liquor pro-  
hibition

Penalty

one hundred dollars for the first offense, and for each subsequent conviction in addition to the foregoing fine shall be imprisoned in the county jail for not less than one nor more than six months.

Requirement  
of grand  
juries

SEC. 3. *Be it further enacted*, That grand juries presenting indictments against persons who have been previously convicted for a violation of this act, are hereby required to specify in the indictment that the accused have been previously convicted.

Approved February 18, 1891.

529]

AN ACT

[s. 438

To amend an act approved February 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883.

Corporate  
limits

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act to define the corporate limits of the city of Wetumpka, approved February 17, 1885, be, and the same is hereby amended so as to read as follows: Hereafter the corporate limits of the city of Wetumpka shall be as follows: Commencing where the south side of South Boundary street strikes the Coosa river at low water mark and running west along the south side of said street to West Main street, thence north along the west side of West Main street to Milly Francis street, thence west along the south side of Milly Francis street to Autauga street on its west side, thence north along the west side of Autauga street to the north side of West Bridge street, thence west along the north side of West Bridge street to the southwest corner of lot 148, West Wetumpka, thence north along the west side of said lot 148, West Wetumpka, to the north side of Coosa street, thence east along the north side of Coosa street to the west side of Autauga street, thence north along the west side of Autauga street to Oceola street on the north side, thence east along the north side of Oceola street to West Main street, thence north along the

west side of Main street to Micanopy street, thence east along the north side of Micanopy street to Alabama street, thence south along the east side of Alabama street to Oceola street, thence east along the north side of Oceola street to Marshal street, thence south along the east side of Marshall street to Tallassee street, thence east along the north side of Tallassee street to the Coosa river, thence along the western bank of the Coosa river at low water mark to a point opposite the north side of Third street in North Wetumpka, thence east across said river and along the north side of said Third street to North Main street, thence along the east side of North Main street to North Boundary street, thence east along the north side of North Boundary street to the point where it intersects with Granite streets, thence south along the east side of Granite street to Taylor street, thence along the south side of Taylor street to Rock street, thence along the east side of Rock street to Logan street, thence west along the south side of Logan street to High street, thence south along the east side of High street to the south side of East Bridge street, thence west to Spring street, thence south along the east side of Spring street to South Boundary street, thence west along the south side of South Boundary street and across the Coosa river to the place of beginning.

SEC. 2. *Be it further enacted*, That section 2 of said act, approved February 17, 1885, be amended so as to read as follows: That said city of Wetumpka, by and through its proper authorities shall have jurisdiction over the public cemetery situated north of West Wetumpka, and also over that part of original lot No. 175 now belonging to said city, lying contiguous to said cemetery, and over West Bridge street and Alabama street, throughout their whole extent from the southern portion of said city to said cemetery, and over all the territory of Elmore county lying within one-fourth mile of the corporate limits of said city.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 18, 1891.

To confirm and amend the incorporation of "The Iron State Building and Loan Company."

Charter  
confirmed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation of The Iron State Building and Loan Company, heretofore effected under the general laws of the State of Alabama, by proceedings had in the probate court of Jefferson county, Alabama, be, and the same is hereby in all respects ratified and confirmed, and all lawful acts of the said Iron State Building and Loan Company under such incorporation, are hereby ratified and confirmed.

Powers

SEC. 2. *Be it further enacted*, That in addition to the powers given to said Iron State Building and Loan Company by the general laws under which such incorporation was made, the said Iron State Building and Loan Company shall also have the following powers, namely: To borrow money not exceeding in amount the par value of its capital stock sold, and to issue its obligations or pledge its securities therefor, and to lend the money so borrowed on such terms and conditions as may be prescribed by the by-laws of the said company; to lend money to its stockholders and take an assignment of the stocks held and owned by such stockholders in the company as security for such loan; to lend its money to persons who are not stockholders of said company when no stockholders derivate to borrow the money, on such security as may be prescribed by the directors of said company; to levy and hold real estate, and to build houses on real estate owned by the company, and to rent and sell such houses on such terms and conditions as may be prescribed by said company.

Deposits

SEC. 3. *Be it further enacted*, That said company shall also have the right to receive deposits of money and to pay interest on the same.

Insurance,  
etc

SEC. 4. *Be it further enacted*, That said company shall have power and authority to act as agent for any insurance company or any other company doing a lawful business.

Approved February 18, 1891.

531]

AN ACT

[s. 492

To amend sections 18 and 19 of an act entitled An act to amend an act entitled An act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation, approved February 19, 1883, and to provide for the compromise of its railroad bonded indebtedness, approved February 14, 1885.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 18 and 19 of an act entitled An act, to amend an act entitled An act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation, approved February 19, 1883, and to provide for the compromise of its railroad bonded indebtedness, approved February 14, 1885, be amended so as to read as follows: Section 18. *Be it further enacted,* That when the said commissioners shall have compromised and adjusted said indebtedness, or any part thereof, in pursuance of the foregoing provisions, it shall be their duty to make and file with the Opelika police board a full and complete report of said compromise and adjustment, embracing among other things the basis of said adjustment, the respective holders and owners of said indebtedness so adjusted, the rate at which the same was adjusted, the amount to be paid respectively to said holders and owners of said indebtedness, and such other things as may be right and proper. Section 19. *Be it further enacted,* That on the said compromise and adjustment of said indebtedness, or any parts thereof, and the making and filing of said report with the Opelika police board, then and in that event there is hereby levied a tax of one-fourth of one per centum per annum on all the taxable property within what is known as the district of Opelika, to be assessed and collected by the said Opelika Police Board in the same manner as other taxes are assessed and collected by them, for the purpose of paying off and discharging and carrying out said adjustment

Act amended

Report of  
comm'rs to  
adjust rail  
road bonded  
debt

Special tax

and compromise hereinbefore authorized; *Provided*, the fund raised by the tax hereby levied shall be used for no other purpose than to pay the compromise and adjustment of said bonded debt as heretofore authorized; *Provided further*, that the tax hereby levied shall not be assessed or collected by said police board, except as it may be necessary to raise funds to carry out any compromise and adjustment that may be made as hereinbefore authorized. And in the event the amount collected in any one year shall exceed the amount necessary to pay any compromise which shall have been effected, the surplus so remaining shall be held by said police board, to be applied in payment of any further adjustment and compromise of said indebtedness.  
Approved February 18, 1891.

532]

AN ACT

[H. 736

To authorize the substitution of the bonds of the county officers, justices of the peace, notaries public, constables, executors, administrators and guardians in Franklin county.

Preamble

*Whereas*, All the bonds of the county officers, justices of the peace, notaries public, constables, executors, administrators and guardians in Franklin county, in this state, and the records thereof have been destroyed by fire; therefore,

Bonds

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judge of probate of Franklin county is authorized and empowered to substitute said bonds, on motion as hereinafter provided.

Counsel

SEC. 2. *Be it further enacted*, That the county commissioners of said county, or any two of them, together with the judge of probate, are hereby authorized and required, as soon as practicable after the passage of this act, to employ counsel, whose duty it shall be to take all proper legal steps to substitute such bonds; and for such service the court of county commissioners shall allow reasonable compensation, to be paid out of the treasury of said county, and which shall be a preferred claim against the county.



SEC. 3. *Be it further enacted*, That the proceedings hereunder shall be by motion in writing, in the name of the State of Alabama, against the principal and sureties on the bond sought to be substituted, and shall briefly set forth the facts of the election or appointment of such officer, or other person, the execution by him of an official or other bond, the amount thereof, the names of the sureties thereon, and its approval by the proper officer; and such motion shall be accompanied by a substantial copy of the bond sought to be substituted. Proceedings

SEC. 4. *Be it further enacted*, That on the filing of such motion, the judge of probate shall make an order on the minutes of his court appointing a day for the hearing of the same, and shall issue a citation and a copy thereof for each of the defendants, to be served on them by the sheriff, notifying them of the filing of such motion, the nature thereof, and of the day appointed to hear and determine the same, which said citation shall be served at least ten days before the hearing of such motion. If any of the makers of such bond are non-residents of this state, or secrete themselves so that citation cannot be served on them, notice shall be given them by the filing of such motion, the nature thereof, and of the day appointed to hear and determine the same, by publication for three consecutive weeks in a newspaper published in said county, a copy of which shall be forwarded by mail to each such non-resident, if his postoffice is known. If any maker of such bond has died since the execution thereof, or has become insane, his executor, administrator or guardian, as the case may be, shall be joined as a party defendant; *Provided*, that in proceedings for the substitution of the bond of the sheriff of said county all notice herein required shall be served by the coroner, or any constable of said county. Judge of probate to appoint day for hearing

SEC. 5. *Be it further enacted*, That in proceedings to substitute the bond of the judge of probate, or any other proceeding in which he is incompetent, the register in chancery of said county shall act as judge of probate. Bond of sheriff

SEC. 6. *Be it further enacted*, That on the day appointed for the hearing of such motion, or on any

Record of  
substituted  
bonds

other day to which the same may be continued, if the notice herein provided has been given, or if the parties appear, the judge of probate shall proceed to hear and determine the motion, and if satisfied from the evidence of the execution and contents of the bond sought to be substituted, he shall make an order on the minutes of his court substituting such bond, and shall make a copy thereof as so substituted, and shall record the same in the record of his official bonds, and file the same in his office, as in the first instance. The bond of the judge of probate shall be recorded in the office of the clerk of the circuit court of said county, and filed in the office of the secretary of state, as in the first instance.

Certified  
copies

SEC. 7. *Be it further enacted*, That certified copies of the bonds of the judge of probate, tax collector, tax assessor and county superintendent of education, on file in the office of the secretary of state, auditor, and superintendent of education, respectively, shall be admissible in evidence in any proceeding hereunder; and said officers are hereby authorized and required to make and furnish such certified copies without charge.

Force and  
effect of sub-  
stituted  
bonds

SEC. 8. *Be it further enacted*, That any bond substituted under the provisions of this act, and the record of such bond, shall have the same force and effect as the original bond and record.

Appeals

SEC. 9. *Be it further enacted*, That appeals from the decree of the judge of probate rendered in any proceeding hereunder, may be taken by the party aggrieved to the circuit or supreme court within thirty days thereafter.

Fees

SEC. 10. *Be it further enacted*, That for services rendered under the provisions of this act, the judge of probate shall be entitled to the following fees: for original citation, 50 cents; for each copy thereof, 25 cents; for order setting day to hear motion, \$1.00; for hearing motion and entering decree, \$2.00; for recording each bond, 50 cents; for each subpoena for each witness, 25 cents; and the sheriff, coroner or constable as the case may be shall be entitled to the following fees: for serving each citation for each defendant and returning the same, 65 cents; for summoning each witness and returning the same, 65 cents; and witnesses shall be allowed \$1.50 per day. The costs,

Costs

when no defense is interposed to the motion to substitute, shall be paid out of the county treasury on the warrant of the judge of probate, and shall be a preferred claim against the county; but in case defense is interposed, and the motion to substitute is sustained, the costs shall be taxed against the contesting defendants, and for such costs the judge of probate may render a decree and issue execution as provided by law.

Approved February 18, 1891.

533]

AN ACT

[H. 792

To regulate the trial of misdemeanors in the county of Macon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of Macon county shall have jurisdiction concurrent with the circuit court of all misdemeanors committed in said county, and said court shall be open at all times for the trial of such offenses; but only four regular terms of said county court shall be held each year, and these shall commence on the third Mondays of February, May, August and November, and each term may continue until the business is disposed of, and no jury trial shall be had at any other than a regular term of the court. Jurisdiction ;  
terms ; jury  
trials

SEC. 2. *Be it further enacted*, That any person charged with the commission of a misdemeanor in said county shall have the right to demand a speedy trial, and when such demand is made in any case the judge of the county court shall appoint a day, not more than ten days from the date of demand, for the trial of said charge, and the clerk of said court shall forthwith issue subpoenas for the witnesses to attend at said time, and the trial of said charge shall be had on the day appointed, unless for good cause a continuance is ordered to another day; and when a continuance is had, the witnesses shall be required to attend on the day to which such continuance is ordered without being re-subpoenaed, but all trials had under this section shall be by the court without a jury, and no defendant shall Speedy trial

have a right to a trial under this section unless he shall waive a trial by jury, which waiver shall be stated upon the record.

Trial of misdemeanors

SEC. 3. *Be it further enacted,* That no indictment for a misdemeanor presented in the circuit court of said county shall be set for trial in said court at any term thereof, unless the defendant shall file in court a written request that the indictment against him shall be so set for trial, and it shall be the duty of the presiding judge of the circuit of said county at each succeeding term, to enter upon the minutes of the court on the day of adjournment an order requiring the clerk to deliver to the judge of the county court all indictments for misdemeanors presented or filed in the circuit court, and not finally determined, and after the making of said order the jurisdiction of the circuit court of said indictment shall cease, and exclusive jurisdiction of the same shall vest in the county court.

Duties of clerk

SEC. 4. *Be it further enacted,* That it shall be the duty of the clerk of the circuit court of said county, to enter all causes transferred under the provisions of the preceding section on the docket of the county court; to deliver to the judge of said court all papers pertaining to said causes; to prepare and furnish to said judge a certified transcript of all minutes, entries and proceedings had or made in said causes in the circuit court; to attend the session of said county court, and act as clerk of said court; to keep a book in which must be entered the minutes of each day's proceedings of said county court during its special and regular terms, and enter all orders and judgments thereof; to make such a record of the proceedings in all causes tried in said court as is by law required to be made in the circuit court in similar cases; to issue capiases in which arrests have not been made, and to issue subpoenas for witnesses, and certify the attendance of the same; and to perform all other duties in reference to the causes triable in said county court, under the provisions of this act, as are required of the clerk of the circuit court in similar cases.

Bail bonds

SEC. 5. *Be it further enacted,* That all bail bonds taken in misdemeanor cases in said county for the appearance of defendants at the circuit court shall be

held and construed to require the defendant also to appear at the term of the county court of said county at which said causes are triable, and from term to term until discharged under this act, and in all cases all proceedings as to bail, conditional judgments, forfeitures, judgments final, alias warrants of arrest, and subpoenas, shall be the same in said county court as those provided by sections 4212 to 4217 inclusive of the code of Alabama.

SEC. 6. *Be it further enacted*, That all trials for prosecutions for misdemeanors at the regular terms of the said county court shall be by jury, unless in any case the defendant shall waive the same, in which case the fact of said waiver shall be distinctly stated upon the record, and the presiding judge shall then proceed to try said cause without a jury; and in all trials in said court upon indictment the procedure shall be the same as is now provided by law for like cases in the circuit court, except so far as the same is altered by this act; *Provided*, that in prosecutions commenced by affidavit and warrant issuing from said county court by the judge thereof, or by a justice of the peace returnable thereto, the trial shall be as is now provided by the general laws of the state relating to proceedings in county courts, and no greater strictness or certainty in the averments and statements in said papers shall be necessary than are now provided by said general laws; *And provided further*, that if in any case where the prosecution has been commenced by indictment, the indictment has been lost or destroyed, or for any cause the judgment is arrested or the indictment is quashed, the presiding judge of the county court may if he deem it proper, or for the interest of the state, require the defendant to enter into a bond in such sum as he may fix with sufficient sureties, for his appearance at the next term of the circuit court, and until he is legally discharged, to answer any indictment that may be found against him; and the time which shall have elapsed between the finding of the first and second indictment must be deducted from the time limited by law for the prosecution of offenses.

Trials by  
jury, or  
without

Indictments;  
deduction  
from time

SEC. 7. *Be it further enacted*, That in all cases tried Appeals in said county court of Macon county, the defendant

shall have the right of appeal to the supreme court only, in the same manner and by the same methods as is now provided by law for appeals in similar cases from the circuit court, and may reserve by bill of exceptions on the record, questions of law arising in any of the proceedings, and may obtain writs of error in like manner, and the same proceedings may be had in such appeals as are now provided in sections 4508 to 4523 inclusive of the code of Alabama.

SEC. 8. *Be it further enacted*, That if the presiding judge of said county court shall from any cause be disqualified to preside in any cause therein pending, a special judge for the trial of the same shall be selected as provided in section 18 of article 6 of the constitution of Alabama.

SEC. 9 *Be it further enacted*, That the circuit solicitor shall appoint a deputy solicitor to represent him in the said county court of Macon county, who shall prosecute all criminal cases before said court, and said deputy solicitor for such services shall be entitled to the fees as provided in section 4868 of the code of Alabama for trials for misdemeanors; *Provided, however*, that the entire compensation allowed to said county solicitor shall not exceed five hundred dollars per annum, and that all fees earned by said solicitor, after he shall have received five hundred dollars, in each and every year shall go into and be a part of the fine and forfeiture fund of said county.

SEC. 10. *Be it further enacted*, That the sheriff of said county shall obtain biennially a list of all of the householders and freeholders residing in the county, from which list must be selected, as hereinafter provided, the names of such persons as may be thought competent to discharge the duties of jurors of said county court.

SEC. 11. *Be it further enacted*, That the sheriff, judge of probate and clerk of the circuit court, or any two of them, must meet biennially, on the first Monday in February, or within thirty days thereafter, at the office of the clerk of the circuit court and select from said list the names of such persons as in their opinion are competent to discharge the duties of jurors with honesty, impartiality and intelligence, and are es-



teemed in the community for their integrity, fair character and sound judgment; but no person must be selected who is under twenty-one or over sixty years of age, or who is an habitual drunkard, or who is afflicted with a permanent disease.

SEC. 12. *Be it further enacted*, That a list of the persons selected as jurors must be written in a fair hand, setting forth the christian name and surname of each, with his place of residence and occupation, if known, which list must be filed in the office of the judge of probate within ten days after the selection is made. List of jurors

SEC. 13. *Be it further enacted*, That the judge of probate on receiving said list must write the name of each person therein contained, with his place of residence and occupation, if it appears from the list, on a separate piece of paper, must fold or roll up such piece of paper, as nearly as may be, in the same manner, so that the name may not be visible, and deposit the same in a box, which must be secured by sufficient locks and kept by them. Jury box  
with names

SEC. 14. *Be it further enacted*, That at least ten days before the day fixed by this act for holding any regular term of the county court of said county, the judge of probate, the clerk of the circuit court and the sheriff of said county, or a majority of them, shall draw from the jury box provided for by this act the names of eighteen competent persons to serve as jurors at said term of the county court, and the list of jurors so drawn shall be delivered to the clerk of the county court, who shall issue an order to the sheriff to summons said persons to serve as jurors at said term of the county court, and upon receipt of said order the sheriff shall proceed to execute the same as now provided by law for similar service as to jurors for the circuit court; *Provided*, that if in the opinion of the judge of the county court no juries will be required at the next regular term of the said county court, said judge shall issue an order to the sheriff to desist from executing said order of the clerk, and no juries shall be summoned to said term; *And provided further*, that the slips containing the names of the jurors drawn under this section shall be immediately returned to Drawing  
jurors, etc

the box from which they were drawn ; *And provided further*, that the fact of his having served as a juror in the county court shall not excuse or disqualify any person for serving as a juror in the circuit court at any term thereof.

SEC. 15. *Be it further enacted*, That each juror who shall serve at any term of said county court shall receive for such service one dollar and fifty cents for each days service. And if he resides more than seven miles from the court-house of said county he shall also receive mileage at the rate of four cents per mile traveled, said attendance and mileage to be proved, certified and paid as provided by law in the case of jurors serving in the circuit court. The same oath shall be administered to jurors in the county court as in the circuit court, and the presiding judge shall have the same authority to excuse jurors as is now exercised by judges of the circuit court.

SEC. 16. *Be it further enacted*, That challenges for cause shall be the same in said county court as are allowed by law in said circuit court, and in each case the state shall be entitled to two preemptory challenges and the defendant to four, and if from any cause a jury is incomplete tales jurors may be summoned to complete the number as provided in 4327 of the code of Alabama.

SEC. 17. *Be it further enacted*, That witnesses subpoenaed in any cause in the county court of said county, shall receive one dollar and fifty cents for each days attendance, but no mileage; to be proved, certified and taxed as now provided by law in the circuit court.

SEC. 18. *Be it further enacted*, That the compensation of the judge of the said county court shall remain the same, and shall be paid in the same manner as is now provided by section 4882 of the code of Alabama, and the clerk of said court shall receive the same fees as are allowed by law for similar services in the circuit court, and the sheriff shall receive the same fees as are allowed by the laws of the state for such services in the county court; the fees of the last two mentioned officers to be taxed and collected as now provided by law; but for all services performed by the county court, or by the judge thereof in any cause, the

fee shall be two dollars, to be taxed against the defendant on conviction, and when collected to be paid into the county treasury.

SEC. 19. *Be it further enacted*, That nothing in this act shall be so construed as to diminish or impair the jurisdiction now given by law to justices of the peace in said county of Macon, or to interfere with the proceedings in any prosecutions instituted before them; but whenever a defendant arraigned before a justice of the peace in said county shall demand a trial by jury as demanded in section 4238 of the code of Alabama, or on conviction shall appeal from the judgment of the justice of the peace as provided in section 4242 of the code of Alabama, the bonds provided for in those sections, and all bail bonds taken or ordered to be taken in all other cases of misdemeanors investigated before any magistrate in said county of Macon, shall be conditioned for the appearance of the defendant at the next regular term of the county court of said county and from term to term thereafter until discharged, and not to the circuit court; and such bonds and all other papers pertaining to said causes shall be returned by the magistrate to the said county court, and shall be filed with the clerk thereof by the first day of the next regular term of said county court; *Provided*, that in all such cases the defendant may demand a trial by the judge of said county court as provided by section two (2) of this act, in which case the proceedings shall be as set forth in said section.

SEC. 20. *Be it further enacted*, That prosecutions for misdemeanors by affidavit and warrant in said county court shall be commenced as now provided by the general laws of the state, relating to county courts.

SEC. 21. *Be it further enacted*, That all laws inconsistent or in conflict with the provisions of this act are hereby repealed.

Approved February 18, 1891.

To incorporate the State Savings Association and define its powers and authority.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Wm. S. Witham, B. F. Cassady, D. F. Constantine, and D. C. Blackwell, their successors and assigns, be, and they are hereby incorporated under the name of the "State Savings Association," and by that name may sue and be sued, and have a common seal, the same to alter and change at pleasure.

Name,  
rights, etc

Powers

SEC. 2. *Be it further enacted*, That said company shall have and possess the following powers, namely: To have perpetual succession; to contract and be contracted with; shall have power to accept and execute the office of agent, assignee, receiver, or trustee of any kind, conferred by any person, corporation or court; and it shall also have power to act as fiscal agent for any persons, state or corporation, public or private, and for such services it may charge or collect such commission or compensation as may be agreed on; to loan money upon real estate or personal property, or personal security, or such security as may be approved; to buy, hold, acquire, enjoy, sell and convey, improve, lease, rent, mortgage, all such real estate as it may desire or become possessed of in the management of its business, or for any purpose for which said company may desire to use or deal in the same; to issue notes, bills\* of exchange, mortgages, or bonds secured by mortgage on its real and personal property, or other collaterals it may have in the transaction of its business, possessing in such respects the same powers as individuals now enjoy. The said association, as incidental to its business, is authorized to discount paper, buy and sell exchange, negotiate loans, and receive and pay out deposits; and if any money is deposited by any minor, such money may be withdrawn by the minor without the consent of his or her parent or guardian, and said minor's receipt therefor shall be as valid and binding upon him, or her, as if he, or she, were of full age; and that a married woman may withdraw her deposits without the consent of her husband, as fully as if she were a femme sole.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be \$100,000.00 (one hundred thousand dollars), divided into two thousand shares of fifty dollars each, payable in monthly installments of not less than one dollar per month payable in advance, and such monthly installments may be increased to such sum as the board of directors of said company may, by a duly enacted by-law, require ; *And provided further*, that any party may pay for his stock in full at any time ; that the board of incorporators of said company may open books of subscription to the capital stock thereof, and keep them open from time to time, until not less than \$50,000.00 of the capital stock of said company is subscribed by bona fide subscribers ; when fifty per cent. of said stock has been subscribed, and five thousand dollars paid into the treasury of said company, the incorporators above named, or three of them, may call the subscribers together for the purpose of organization, who shall thereupon elect a board of directors of said company, to serve for the next ensuing twelve months. The board of directors, when elected, shall elect a president and a secretary and treasurer, and such other officers as they may deem necessary in the transaction of the business of the company ; and when said company is organized as aforesaid, said board of incorporation shall turn over said subscription book to the board of directors of said company.

Capital stock

Organization

SEC. 4. *Be it further enacted*, That the management of the business of said company shall be intrusted to the board of directors, which shall consist of not less than five nor more than ten members, to be elected at a regular or special meeting of the stockholders. The board of directors and other officers shall hold office for one year, or until their successors are elected and qualified. The board of directors shall require all officers of the company to give good bonds for the faithful discharge of their duties. The board of directors shall make an annual report of the affairs of the company to the stockholders. The stockholders shall meet annually for the election of officers and the transaction of other business and so often as the business of the company may require ; but the failure to meet shall not impair the validity of

Board of directors

its charter. The liability of the said stockholder shall extend only to the amount subscribed by him.

SEC. 5. That the capital stock of said company may be increased to a sum not exceeding \$500,000 00, by a two-thirds vote of the stockholders present at a meeting for that purpose after giving thirty days notice thereof in some newspaper published in Anniston. Existing stockholders shall have preference in taking such increased stock.

SEC. 6. *Be it further enacted*, That the affairs of said company may be wound up and said corporation dissolved whenever two-thirds in value of the stockholders at a meeting called for that purpose as provided in the preceding section shall deem it expedient to do so; but in case of such dissolution such company shall retain the right to sue and be sued until all its affairs are adjusted. Stockholders shall be entitled to one vote for each share of stock owned or held by them and may be represented by a proxy authorized in writing but not otherwise.

Approved February 18, 1891.

535]

AN ACT

[H. 738

To amend an act, approved February 24th, 1887, entitled an act to amend section three of an act entitled an act, approved January 28th, 1870, to incorporate the town of Columbia, Henry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved February 24th, 1887, entitled an act to amend section three of an act entitled an act to amend an act approved January 28th, 1870, to incorporate the town of Columbia, Henry county, Alabama, acts (1886-7 p 445) be amended so as to read as follows: That the mayor and councilmen now in office in the town of Columbia shall cause an election to be held on the first Monday in May, 1891, for a mayor and four councilmen and a marshal for the town of Columbia; the election to be held at such place within the corporate limits as said mayor and council-



men may determine ; and said mayor and councilmen so elected and each subsequent board of mayor and councilmen shall in like manner cause an election to be held for mayor, councilmen and marshal each and every succeeding year, and should there occur a vacancy in the office of marshal for any reason at any time the mayor and councilmen of the town shall appoint a marshal who shall hold his office until the next election after his appointment-

Approved February 18, 1891.

536]

AN ACT

[H. 715

To authorize the re-filing of claims against the estates of deceased persons in Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where administration of estates of deceased persons were pending in Franklin county, in this state, at the time the court-house in said county was burned, and claims against such estates had been filed in the office of the judge of probate within eighteen months after the same had occurred, or within eighteen months after the grant of letters testamentary or of administration, the same may be re-filed in the office of the judge of probate within twelve months from the passage of this act, and when re-filed the same must be re-docketed with a note of the time of such filing ; and if required a statement must be given by such judge, showing the time of filing, and such re-filing and docketing shall have relation to, and be operative from the day the same was first filed. Claims  
against  
estates

SEC. 2. *Be it further enacted*, That when the claims mentioned in the first section of this act were destroyed by fire, affidavits of such claims may be filed in lieu of such claims which shall have the same effect as if the original claim were filed. Affidavits

SEC. 3. *Be it further enacted*, That unless the claims are filed against such estates as prescribed by the first When barred

section of this act, within twelve months from the passage of this act, the same shall be forever barred.

Approved February 18, 1891.

537]

AN ACT.

[H. 783

To incorporate the Brotherhood of Dependent Neighbors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John G. Winston, jr., chief president, and W. H. Holliday, chief secretary, and other chief officers and members of the big cabin, and the officers and members of the little cabins under its jurisdiction, and the several persons who are now, or may hereafter become members respectively of said big cabin, or of the little cabins under its jurisdiction, shall be and they are hereby declared to be a body politic and corporate, under the name and style of the Brotherhood of Dependent Neighbors, and by that name shall have perpetual succession of officers and members, and may sue and be sued, contract and be contracted with, plead and be impleaded to, answer and be answered unto, in any court of law or equity in this state as natural persons, and have, and use a common seal, with power to change, alter and make new the same as often as the said corporation shall judge expedient.

Name, rights  
etc

SEC. 2. *Be it further enacted*, That said corporation may own and hold by gift, devise, bequest and purchase, real and personal property, money and choses in action, and the same may sell, convey and re-invest; may also lend their money on mortgages or other securities, and do such other acts as bodies corporate may do and perform needful and necessary for all the purposes and objects of a charitable or benevolent society.

May own  
property, etc

SEC. 3. *Be it further enacted*, That said corporation shall have power to make all such rules, orders and by-laws, not repugnant to the constitution and laws of the state, as may be necessary for the order, rule,

Rules,  
by-laws, etc

good government and management thereof; may prescribe the fees and dues, terms and conditions of the membership to the big cabin, and little cabins, and it shall be lawful for the big cabin to constitute and charter little cabins, and do all other things concerning the government, the estates, moneys and revenues of said big cabin and little cabins.

SEC. 4. *Be it further enacted*, That said corporation shall have power to create and establish a mortuary and charitable fund to take care of the poor, to alleviate the sufferings of the sick and afflicted, to bury decently and respectably the dead, and to support dependent relatives upon the death of a member in good standing; and said corporation shall have power to make such rules and regulations governing said fund as may be necessary.

Mortuary  
and charita-  
ble fund

SEC. 5. *Be it further enacted*, That said corporation shall have its big cabin at Guntersville, Marshall county, Alabama, and shall prescribe the number and terms of the officers of the big cabin and little cabins. Service of legal process upon the president or secretary upon any cabin shall be service upon the corporation.

Place of  
business

SEC. 6. *Be it further enacted*, That this act shall be deemed and taken as a public act, and notice thereof shall be taken in all the courts of justice and elsewhere in this state, and be given in evidence on any trial of any issue or cause without special pleading.

Public act

Approved February 18, 1891.

538]

AN ACT

[H. 1109

To amend section 4039 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4039 of the code be and the same is hereby amended so as to read as follows: 4039 (4206).—Giving or selling liquors to persons of unsound mind.—Any person who sells, barter, exchanges or gives spirituous, vinous or malt liquors to person known or reputed to be of unsound mind, unless it be upon the prescription of a physician, or with the consent of the parent, guardian, husband or wife of such

Liquor to  
person of  
unsound  
mind

person, must on conviction, be fined not less than fifty nor more than five hundred dollars.

Approved February 18, 1891.

539]

AN ACT

[H. 645

To divide township 6, range 14, in Covington county into two school districts.

Two school  
districts

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That township 6, range 14, in Covington county, be and the same is hereby divided into two school districts.

Dividing line

SEC. 2. *Be it further enacted*, That Pigeon creek shall be the dividing line between said districts, and the territory lying east of said creek in said township shall constitute one district, and the territory lying west of said creek in said township shall constitute the other district, and each district shall be under the supervision of a district superintendent of public schools, appointed by the county superintendent of education, with power to transact all matters pertaining thereto.

Approved February 18, 1891.

540]

AN ACT

[H. 1041

To empower the auditor to extend the time for the collection and absolute release from payment of certain taxes charged against Wm. Rollins, tax collector of Franklin county, Alabama.

Preamble

*Whereas*, Since the assessment of the taxes for 1890 in Franklin county, Alabama, the courthouse and all the records of said county have been destroyed by fire, including the books of assessment prepared by the tax assessor of said county; and

*Whereas*, It is now impossible for the tax collector to ascertain numbers of a portion of the lands assessed

by said assessor for 1890, rendering it impracticable to sell said lands; and

*Whereas*, The owners live in many cases out of said county and state and have no personal property therein; therefore

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor of the state shall be empowered to extend the time of collection of such taxes in said county as are, or may be, in the judgment of said auditor, impracticable to collect, by reason of the destruction of said tax books; or absolutely release said tax collector in such cases, as in his judgment said taxes cannot with due diligence be collected.

Collection  
of taxes

SEC. 2. *Be it further enacted*, That this release shall apply to both state and county taxes.

Approved February 18, 1891.

541]

AN ACT

[H. 568

To amend section 7 of an act entitled an act to incorporate Howard College, in Marion, Perry county, approved December 29, 1841.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 7 of an act entitled an act to incorporate Howard College, in Marion, Perry county, approved December 29, 1841, be and the same is hereby amended so as to read as follows: Section 7. And be it further enacted, that the said trustees shall have power to fix the rates of tuition, and the same to increase or diminish at pleasure; to appoint the time and place of their own meetings. And the location of said institution shall in the future be at Eastlake, in the county of Jefferson, Alabama.

Howard  
college

Approved February 18, 1891.

To authorize the town of Columbia in Henry county, Alabama, to assess and collect a license tax from persons, companies or corporations doing business in said town.

License tax

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and councilmen of the town of Columbia, in Henry county, shall have power to require and collect a license tax not exceeding the sum of fifty dollars of any person, company, or corporation who runs any wagon, dray, cart, hack or carriage, for hire in the corporate limits of said town, and to regulate the same; or who deals in drugs, medicines, goods, wares, or merchandise of any description. They shall also have the power to require and collect a license tax of all cotton buyers or cotton shippers, practicing physicians and lawyers, horse or mule drovers, and proprietors or owners of feed or livery stables, and warehouses, not to exceed the sum of fifty dollars, who may in any way do any business in said town.

Approved February 18, 1891.

To repeal an act entitled an act to amend section 5049 of the code of 1876 as far as it relates to Clay county.

Repeal of tax

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act to amend section 5049 of the code of Alabama so far as the same relates to Clay county, approved February 8th, 1881, be, and the same is hereby repealed.

Approved February 18, 1891.



544]

## AN ACT

[H. 737

For the relief of E. R. Freeman, clerk of the circuit court of Franklin county, Alabama.

*Whereas*, On the night of the 4th day of December, 1890, the court house of Franklin county, Alabama, was totally destroyed by fire with all its contents; and

Preamble

*Whereas*, E. R. Freeman, clerk of the circuit court of said county, had on deposit in the said court house the sum of sixty dollars, fees collected as solicitor's fees, that the time had not expired for him to make his quarterly report of said fees to the auditor of the state, said fees so collected; that said sum and fees were burned up in the burning of said court house without fault on the part of said clerk.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the said E. R. Freeman, as clerk of the circuit court of Franklin county, be and he is hereby relieved from the payment of the sum of sixty dollars, solicitor's fees collected by him, and destroyed by fire without fault on his part; *Provided*, that the state auditor shall find, from proper affidavits and evidence, that the said loss was sustained, that the said amount of money was so held in said safe not beyond the time in which the same should have been paid over to the state, and that the said claim is, in all respects, a just and proper claim against the state.

Relief

SEC. 2. *Be it further enacted*, That the auditor be and is hereby authorized and required to give and allow the said E. R. Freeman, as clerk of the circuit court of Franklin county, credit for the sum of sixty dollars, in his report to said auditor of the loss and destruction of the same by affidavit of said clerk to said auditor.

Auditor to give credit in report

Approved February 18, 1891.

To authorize the town of Columbia, in Henry county, to borrow money and issue bonds for the purpose of constructing waterworks and electric lights, and to regulate the price of water and lights with the citizens of the town who use the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and councilmen of the town of Columbia, are hereby authorized to borrow money, not to exceed in amount the sum of twenty thousand dollars (\$20,000 00), and issue bonds therefor, payable to the loaner of the money, for the purpose of constructing waterworks and electric lights in said town.

Authority to  
issue bonds

SEC. 2. *Be it further enacted,* That said mayor and councilmen shall have power to provide, by ordinance or resolution, the number and amount of said bonds, when they shall become due, and the amount of interest that they are to draw, and secure the same as they may see fit.

SEC. 3. *Be it further enacted,* That said mayor and councilmen shall have the power to lease any waterworks, or electric lights constructed by any company, or individual, in said town, and secure the payment of said lease in any manner the mayor and councilmen may see proper, and to contract with any citizen of the town for the use of water or lights, and regulate price of the same.

May lease  
works, etc

Approved February 18, 1891.

To authorize the city of Birmingham and the county of Jefferson to provide an armory for the military companies of said city.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor and aldermen of Birmingham and the probate judge and county commission-

ers of Jefferson county, be and they are hereby authorized, out of any money in their respective treasuries not otherwise appropriated, to procure and provide, by rental or otherwise, a suitable building for use as an armory by the military companies of Birmingham that are members of the Alabama state troops, or in lieu of said building to pay the rent of the armory or armories of said companies not exceeding fifty (50) dollars per month for each company; *Provided*, that one-half of the expenses incurred under this act shall be borne by said city, and the other half by the said county, of such amounts as may be appropriated by said county and city.

Approved February 18, 1891.

547]

AN ACT

[H. 1055

To authorize the governor to cause to be instituted in the name of the state, proceedings for the acquirement by condemnation of any lands, right-of-way, or material needed for the use of the penitentiary, or the maintenance or operation of the hard labor system of the state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor may cause proceedings to be instituted in the name of the State of Alabama, for the acquirement by condemnation, of any lands, right-of-way, or material needed for the use of the penitentiary or the maintenance or operation of the hard labor system of the state, the purchase of which is or may be authorized by law; such proceedings to be had in the probate court of the county in which such lands or other property, or a material portion thereof, may be situated, and to be prosecuted in the name of the State of Alabama, in accordance with the provisions of the code of Alabama providing for the condemnation of lands for public uses, so far as such provisions may be applicable, except that the application need not be verified, nor shall security for costs be required of the state.

Right-of-way, etc. for use of penitentiary

Approved February 18, 1891.

For the relief of state witnesses in the counties of Tus-  
kaloosa, Bibb, Chilton, Calhoun, Washington, Cren-  
shaw, Fayette, Lauderdale, Colbert, Chambers, Pike,  
Cleburne, Etowah, Escambia, Covington, Clay, La-  
mar, Conecuh, Randolph, Blount, Lawrence, Bald-  
win, St. Clair, Limestone and Morgan, in cases in  
which the state fails.

Payment of  
state wit-  
nesses

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the courts of county commissioners of the counties of Tuskaloosa, Bibb, Chilton, Calhoun, Washington, Crenshaw, Fayette, Lauderdale, Colbert, Chambers, Pike, Cleburne, Etowah, Escambia, Covington, Clay, Lamar, Conecuh, Randolph, Blount, Lawrence, Baldwin, St. Clair, Limestone and Morgan, shall have authority to appropriate annually out of the general fund of said county whenever, in their judgment, it can be done without embarrassment to said fund, such a sum of money as the said court may deem necessary for such purpose, to be used exclusively for the payment of state witnesses in cases in which the state failed; *Provided*, that no claim which shall have accrued prior to the first annual appropriation made under the provisions of this act shall be paid out of the said appropriation; *provided further*, that no claim or ticket which has been transferred shall be paid out of the fund thus appropriated.

Laws in con-  
flict repealed

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

To confirm, amend and enlarge the charter of the trustees of the hospital of "United Charities," of Birmingham, Alabama, and to confer additional powers on said corporation.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter of the trustees of the

hospital of United Charities, which reads as follows: The undersigned elected trustees of the Society of United Charities, a benevolent society, for the purpose of becoming incorporated, as provided for in part 2, title 1, chapter 14, of the code of Alabama, do hereby make and file in the office of judge of probate of Jefferson county, in said state, within thirty days after their election as such trustees, and in the county in which the corporation is to exercise its functions, the following certificate provided for by section 1695 of said code of Alabama, that is to say: They hereby certify that on Wednesday the 22nd day of May, A. D., 1889, they were elected trustees, and that the name of the corporation selected was the "Trustees of the Hospital of United Charities," and that they were selected to serve for the period of one year from the date of their election, and until their successors be duly elected and enter upon their duties. They further certify that the purposes and objects of said corporation are as follows:

1. To contract for, build, and complete a hospital building in or near the city of Birmingham, in said county, according to the plan and specifications to be accepted by them. 2. To acquire and hold real and personal property by purchase, and to receive property by gift, will, or devise, holding the same in conformity with all lawful conditions imposed by the donor; to use and employ and expend same in and about contracting for building and completing such hospital, and in meeting and defraying all proper and necessary expenses incurred in the employment of an architect, superintendent and other employees about the work; and said corporation shall have and exercise such other powers as are incident to private corporations. 3. To perform such acts and things as may be necessary for the successful execution of the purposes and objects of their incorporation. 4. To pass and adopt all needful regulations, rules and by-laws as the board of trustees may think proper, and to enforce obedience thereto, and perform all other acts authorized by law for the good government of the corporation as is usual, necessary and proper, be and the same is hereby, in all respects confirmed, and the said charter be and the same is hereby amended so as to have, possess and exercise

Charter  
confirmed

Purposes and  
objects

the following additional powers: Section 4. That the said Trustees of the Hospital of the United Charities shall have and enjoy all of the powers conferred by the laws upon corporations organized under the laws of Alabama for charitable purposes, and shall have, possess and exercise the following additional powers, that is to say: Section 5. That said corporation shall have the power and authority to contract debts; to borrow money to the extent of not exceeding fifty thousand dollars, and for the purpose of paying off the present indebtedness and enlarging or extending its buildings, and to secure such sums, may issue its notes or negotiable bonds, or other evidences of debt, and to secure the same by mortgage of any or all of its property, real or personal, upon such terms and conditions and for such length of time as the board may think proper, and may sell or hypothecate such bonds upon such terms as they may see proper, for the best interest of said corporation.

SEC. 6. *Be it further enacted*, That the management and control of the said corporation shall, at all times, be in a board of nine (9) trustees, who shall be elected as herein provided. The judge of probate of Jefferson county, Alabama, and one of the commissioners of said county, also the mayor of the city of Birmingham and two of the aldermen of said city, shall at all times be elected as members of the board.

SEC. 7. *Be it further enacted*, That the present board of trustees, to-wit: M. T. Porter, George L. Thomas, R. W. Bowling, C. McAdory, Joseph R. Smith, T. T. Hillman, Sam'l Ullman, Robert E. Jemison, and A. O. Lane shall continue as a board of trustees, and control and manage the affairs of the said corporation till the first day of May, 1891. The board, before retiring, shall elect their successors, who shall hold their office for three years, and until their successors are elected; that the powers herein conferred may be exercised by a majority of the board; that upon the passage of this act, the said board shall select one of its members as president, and the board shall also elect a treasurer and secretary; the said officers shall hold their offices and be subject to the will of the board.

Board of  
trustees

Officers



SEC. 8. *Be it further enacted*, That the said corporation shall have power to acquire and hold real and personal property to the value of not exceeding five hundred thousand dollars (\$500,000.00), and sell and dispose of the same, as may be for the best interests of the said corporation. May hold property

SEC. 9. *Be it further enacted*, That the said corporation shall exercise all of the powers herein conferred, and such as are conferred upon like corporations under the laws of Alabama, for a term of fifty years, unless sooner dissolved by law; and the board of trustees shall have full and complete power and authority to make all contracts necessary and proper to carry out the purposes of the said corporation. Exercise powers fifty years

Approved February 18, 1891.

550]

AN ACT

[H. 749

To increase, enlarge, extend, confirm, establish and ratify the charter and corporate powers of Crews Normal College, Lamar county, Alabama.

*Whereas*, T. L. Crews, L. D. Jackson, A. A. Hill and W. F. Elliott, resident citizens of Crews, Lamar county, Alabama, desirous of becoming incorporated for purpose of higher and better education hereafter, due and legal application to the judge of probate of Lamar county, Alabama, incorporated, constituted and commissioned by said judge of probate as the board of corporation of Crews' Normal College, on the 27th day of June, 1890, under and by virtue of the authority of sections 1659 to sections 1668, inclusive, of the code of Alabama, after which Dr. W. F. Elliott, Capt. L. D. Jackson, Judge W. A. Yonng, T. L. Crews, J. S. Hawkins, William Akin, T. F. Savage, H. H. Hill, and J. T. Hill were duly elected as the board of directors, with W. F. Elliott as treaeurer, and L. D. Jackson as secretary; and, Preamble

*Whereas*, Said board of directors has elected a president of the faculty, allowing him to select the other professors of the entire faculty, and authorize said faculty to arrange and adopt the courses and methods of

instruction and curriculum of studies, and organize all the departments and classes of said school.

Corporation  
confirmed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporation now existing under the corporate name of Crews' Normal College, at Crews Alabama, is hereby confirmed and established, and all that its board of directors and faculty have done, not contrary to law, is hereby ratified.

May receive  
donations,  
etc

SEC. 2. *Be it further enacted*, That in addition to all powers conferred upon said Crews Normal College by the general law under which it was incorporated by its board of directors shall have power to receive donations of real and personal property by will, bequest or otherwise, for the use of said college; to purchase and sell and have and hold real estate and other property in perpetuity.

Powers

SEC. 3. *Be it further enacted*, That said board of directors and their successors in office shall have power to float the debt of Crews Normal College in any lawful and usual way done by similar institutions in this state, and shall have power to authorize the faculty of said college, and their successors in office, to adopt, alter, use, amend and change a seal; to confer degrees and issue diplomas and certificates of honor or merit; to adopt, alter, change, modify or amend their courses of instruction and curriculum of studies so as to keep them abreast with all modern improvements and scientific discoveries of the age in all advance school methods.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall go into effect immediately after its passage and approval.

Approved February 18, 1891.

551]

AN ACT

[H. 890

To divide the county of Randolph into four commissioners districts and to prescribe the term of office of members of said court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That as soon as practicable after the passage of this act the commissioners court of Randolph county, shall divide said county into four commissioners districts as nearly equal as possible. Four districts

SEC. 2. *Be it further enacted*, That at the general election in August, in the year 1892, the commissioners elected living in odd numbered districts shall hold for two years, and those living in even numbered districts shall hold for four years. Term of office

Approved February 18, 1891.

552]

AN ACT

[H. 1036

To provide for the disposition of the cases now in the inferior court of Cullman county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all cases whether begun by indictment, or affidavit and warrant, now in the inferior court of Cullman county, shall be, and are hereby transferred to the circuit court of Cullman county, to be there tried, as though they had never been in said inferior court, and the judge of said inferior court shall make an order on the trial docket transferring said cases to said circuit court. Transfer to circuit court

Approved February 18, 1891.

553]

AN ACT

[H. 394

To amend section 458 of the code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 458 of the code be amended

Property to  
be assessed

so as to read as follows: Section 458.—All property brought into the state after the first day of January and before the assessor has completed his assessment, except property that may be brought into the state by a bona fide citizen of the state purchased with money held on the first day of January, which money has been assessed for taxation that year, shall be subject to taxation the same as if it had been held or owned in the state on the first day of January.

Approved February 18, 1891.

554]

AN ACT

[H. 840

To authorize the mayor and board of aldermen of the town of Eutaw to pass an ordinance requiring temporary merchants doing business in said town to first take out a license therefor.

License on  
temporary  
business

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and board of aldermen of the town of Eutaw be, and they are hereby authorized to pass an ordinance regulating the business of temporarily carrying on a mercantile business in said town, and prescribing a penalty therefor without first having obtained a license; *Provided*, that no license tax shall be required of persons carrying on a mercantile business in said town, for a period longer than ten months in any year.

Approved February 18, 1891.

555]

AN ACT

[H. 702

To regulate the granting of licenses to sell vinous, or spirituous liquors in the county of Marshall, State of Alabama.

License to  
sell liquor

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That no license must be granted to sell vinous or spirituous liquors in the county of Marshall,

State of Alabama, unless the applicant produces to the judge of probate of said county, or to the person authorized by law to grant such license, the recommendation of a majority of the householders and freeholders in the election precinct where such person desires to sell such liquors, who are qualified electors, to vote in said precinct.

SEC. 2. *Be it further enacted*, That the person presenting the recommendation referred to in section one of this act shall furnish satisfactory evidence to the judge of probate of said county, or to the person authorized by law to grant such license, that the signatures to said recommendation are genuine and that said signers are resident householders and freeholders who are qualified electors of the election precinct in which such applicant proposes to sell liquors. Genuineness  
of recom-  
mendation

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; *Provided, however*, that the provisions of this act shall not affect the precincts or districts in said Marshall county, in which the sale of liquors is prohibited by law. Laws in con-  
flict repealed

Approved February 18, 1891.

556]

AN ACT

[H. 936

To provide for the collection of a license on transient persons doing business as merchants in the county of Greene, and defining who are transient merchants within the meaning of this act.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That transient merchants doing or proposing to do business in the county of Greene shall be required before engaging in that business to pay a license tax of one hundred dollars, said license to be collected by the probate judge of that county in the same manner as now provided for the collection of other license in the various counties of this state. License on  
transient  
merchant

SEC. 2. *Be it further enacted*. That transient merchants within the meaning of this act are hereby de- Definition

fined to be all persons who engage in the sale of goods, wares and merchandise as a business, not having a *bona fide* intent to continue such business for a period of *ten consecutive months*, and who voluntarily abandons such business within that time.

Misde-  
meanor

SEC. 3. *Be it further enacted*, That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than five hundred dollars.

Proof by  
state

SEC. 4. *Be it further enacted*, That upon the trial of any person indicted for a violation of this act upon proof being made by the state that the defendant began business as a merchant in said county and ceased to do business in said county within a period of less than ten months the same shall be deemed *prima facie* proof that the business was begun without the *bona fide* intention herein required.

Approved February 18, 1891.

557]

AN ACT

[H. 857

To amend section 2 of an act to amend an act entitled an act to create a separate school district in Jackson county to be known as Pleasant Grove, out of a part of township 5, range 6, east, approved February 15th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 of an act to amend an act entitled an act to create a separate school district in Jackson county, to be known as Pleasant Grove, out of a part of township 5, range 6, east, approved February 15th, 1889, be amended so as to read as follows:

Biennial elec-  
tion of trus-  
tees

SEC. 2. *Be it further enacted*, That the persons now discharging the duties of trustees of said school district shall continue to act as trustees thereof until the first Monday in August, 1891; at which time, and every two years thereafter, the trustees for said school district shall be elected by the qualified voters of said district, who shall hold their office for two years; and none but a parent or guardian shall be eligible to said



office. The said trustees before entering upon the duties of said office shall take an oath faithfully to discharge the duties of the same, and shall give bond and security in such sum as shall be prescribed by the county superintendent of education payable to said township, which sum shall not be less than double the amount that will probably be in the hands of said trustees at any one time, and to be conditioned faithfully to discharge the duties of said office and to pay over to the person authorized by law to receive the same, all moneys coming into their hands, as such trustees and belonging to the said school district or to the remaining part of said township 5, range 6, said bonds to be approved by the county superintendent of education, and the judge of probate (and a copy thereof filed in the office of said judge of probate) and a certified copy thereof filed in the office of the superintendent of education for the state in Montgomery. In case of a Oath of office  
bond, etc  
Vacancy

vacancy in said board of trustees, the remaining members thereof shall proceed to fill said vacancy by appointment to fill out the unexpired term. Said trustees shall be exempt from poll and road duty.

Approved February 18, 1891.

558]

AN ACT

[H. 693

To authorize the commissioners court of Covington county to set aside a special tax for the pay of grand and petit juries in said county.

SECTION 1. *Be it enacted, by the General Assembly of Alabama*, That at its regular session in February Pay of juries  
of each year or as soon thereafter as may be, the commissioners court of Covington county shall set aside out of the taxes of said county the sum of twenty-two hundred dollars (\$2,200 00) for the payment of the grand and petit juries of said county for said year.

SEC. 2. *Be it further enacted*, That at the end of each year any balance of said levy or amount so appropriated which may not have been paid out, shall be conveyed back into the general funds of said county.

Approved February 18th, 1891.

To amend the preamble and section one of an act to prescribe the civil jurisdiction and regulate the practice in civil cases in the city court of Mobile, approved December 12, 1888.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the preamble to an act entitled an act to prescribe the civil jurisdiction and to regulate the practice in civil cases in the city court of Mobile be so amended as to read:

Preamble

*Whereas*, by the usage and practice prevailing in the county of Mobile, the trial of criminal cases has devolved exclusively upon the city court of said county, while the civil side of said court is crowded with civil causes, whereby much delay in the determination of such civil causes has resulted, therefore to relieve the city court of the pressure,

Jurisdiction  
of city court

SEC. 2 *Be it further enacted*, That section 1 be amended so as to read as follows: Section 1. Be it enacted by the general assembly of Alabama, that from and after the passage of this, jurisdiction in civil causes at law, except in actions to try titles to land, actions for the recovery of damages for injury of person or property, not arising out of contracts, libel, slander, and actions founded on attachment or injunction bond, be and the same is hereby conferred upon the city court of Mobile, and all powers of a civil nature now exercised by the circuit courts of the state, and the judges thereof, not above excepted, be and the same are hereby conferred respectively on the said city court of said county and the judge thereof.

Approved February 18, 1891.

To authorize and empower the board of trustees of the Scottsboro College and Normal School to sell and convey the property and franchises of said institution.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of trustees of the Scottsboro

College and Normal School be and they are hereby authorized and empowered to sell and convey to any person, company, corporation or religious denomination, all the property and franchises of said Scottsboro College and Normal School; *Provided*, that the purchaser shall be bound to carry on and maintain said college as a first-class institution of learning, and said property shall never be diverted to any other use.

Authority to  
sell school  
property

SEC. 2. *Be it further enacted*, That no contract to sell and convey said property and franchises shall be valid unless authorized or ratified by a majority in value of the stockholders.

Approved February 18, 1891.

561]

AN ACT

[H. 550

To improve the Penitentiary and Convict System of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established a commission for the improvement of the penitentiary and convict system of Alabama, which shall be composed of the governor, the board of inspectors of convicts, and one other person to be appointed by the governor within thirty days after the passage of this act, of which commission the governor shall be chairman; and the commission shall meet at such times and places as he shall designate. The members of said commission shall receive no compensation, but all actual expenses incurred in the discharge of their duties as such commission shall be paid.

Commission  
for improve-  
ment of pen-  
itentiary

SEC. 2. *Be it further enacted*, That said commission is hereby authorized and empowered to purchase land for the use of the state, and erect such structures thereon, and purchase machinery, live stock, and such other appliances as may be necessary to be used by the convicts so as to furnish employment for any and all convicts not leased or worked under contract; and said commission may from time to time, with the approval of the governor, make all necessary rules and

Authority to  
purchase  
anything  
necessary

Rules

Appropriation

regulations for the management of said property and the employment and maintenance of said convicts; and to appoint and employ, and fix the compensation of all necessary agents, foremen and others in such management and employment; *Provided*, that not more than ten thousand (\$10,000) dollars shall be expended under the provisions of this act before the first day of October, 1892. *And provided further*, that whereas, there are other bills pending providing for expenditures for the purpose mentioned in this section, that the appropriation herein made is in lieu of, and not in addition to other appropriations, and that said sum of ten thousand dollars is the total amount authorized to be appropriated for the purpose set forth in this section.

Duties of commission

SEC. 3. *Be it further enacted*, That said commission shall investigate the subject of working all convicts on state account at all such industries as they may think desirable for the employment of convicts, and shall formulate and prepare a bill to be presented to the next general assembly creating a new and complete convict system for the state of Alabama, providing for the employment of all convicts on state account as soon as practicable, and to publish said bill in pamphlet form and furnish a copy to each of the members and members elect of the said general assembly at least sixty days before the convening of the same.

Reformatory prison

SEC. 4. *Be it further enacted*, That in the preparation of the new convict system as provided for in section three of this act the said commission shall take into consideration the propriety of establishing a reformatory prison for juvenile convicts in connection therewith, and provide for the establishment of the same if deemed advisable.

Authorized to sell state farm

SEC. 5. *Be it further enacted*, That the said commission is hereby authorized and empowered as soon as practicable to sell or dispose of the land belonging to the state purchased of Thos. Williams, and known as the state farm, and if sale is made, to cover the proceeds of such sale into the state treasury to be placed to the credit of the convict funds; and if such sale is made the governor is authorized and instructed

to execute for and in the name of the state a deed to the purchaser of said land.

SEC. 6. *Be it further enacted*, That all moneys expended and expenses incurred under the provisions of this act shall be paid out of the convict fund. Expenses

SEC. 7. *Be it further enacted*, That the said commission shall make to the next general assembly of Alabama a full, complete and detailed report of their transactions under the provisions of this act. Report to next general assembly

SEC. 8. *Be it further enacted*, That the commission hereinbefore provided for shall expire on the first day of March, 1893, unless continued by the next general assembly. Date commission expires

Approved February 18th, 1891.

562]

## AN ACT

[s. 325

To regulate the trials of misdemeanors in Geneva county.

SECTION 1. *Be it enacted by the General Assesembly of Alabama*, That the county court of Geneva county shall have jurisdiction of all misdemeanors committed in said county. Jurisdiction

SEC. 2. *Be it further enacted*, That at the next regular term of the circuit court of said county, it shall be the duty of the presiding judge thereof, upon the day of adjournment of said court at Geneva, to make an order upon the minutes of said court, directing and requiring the clerk of said court to deliver to the judge of said county court all indictments found at the March term and all terms thereafter, against persons charged with misdemeanors, and when the circuit court shall have tried all misdemeanors wherein arrests are now made, it shall then be the duty of said judge to cause by entry upon minute dockets the clerk to make a certified copy of all docket entries and all proceedings concerning misdemeanors, and deliver them to the judge of the county court. But the jurisdiction of all misdemeanors shall, as soon as the county court is organized, be vested in said county court, except those that Duty of judge of circuit court

are now on trial in the circuit court, and as soon as they are disposed of the exclusive jurisdiction of all misdemeanors shall be in the county court.

Prosecutions

SEC. 3. *Be it further enacted*, That prosecutions may be instituted or commenced in said county court as is now provided by law in county courts, except as is herein modified, thereafter subject to the provisions of this act and the laws in force not in conflict with this act.

Clerk

SEC. 4. *Be it further enacted*, That the clerk of the circuit court shall be ex-officio clerk of the county court, and the practice and proceedings in said county court shall conform to the practice and proceedings in the circuit courts of this state, except as herein modified.

Time of  
holding  
court

SEC. 5. *Be it further enacted*, That the time of holding said county court shall be as follows: on the third Monday in each month, except when the circuit court will meet on said third Monday, then the county court shall meet on the first Monday in said month in the courthouse at Geneva, and the judge shall hold said court open for one week, or until the business before him is disposed of.

Jury terms

SEC. 6. *Be it further enacted*, That there shall be two jury terms each year held by said court, respectively in January and July, and when any person is arrested and demands a jury trial, the judge shall mark his case continued to January or July term, whichever is nearer, but whenever there is not a jury trial demanded the case shall be tried at the first term after the party is arrested if possible, the judge entering upon his docket the fact that a jury trial was waived.

One petit  
jury, etc

SEC. 7. *Be it further enacted*, That there shall be but one petit jury of twelve men drawn to serve at each January and July term and the judge of said court is empowered, when necessary, to have made up another jury from bystanders, and also to fill the regularly drawn jury (when any are absent or excused) from bystanders, and each juror so serving shall be entitled to one dollar per day and mileage, to be paid as jurors drawn to serve in the circuit court.

SEC. 8. *Be it further enacted*, That in all trials in said county court, the state shall only be entitled to



three preemptory challenges in each case, and the defendants in each case be entitled to only four preemptory challenges, whether there are one or several defendants in said cause.

Challenges

SEC. 9. *Be it further enacted*, That the judge of said county court shall, on the first day of each term of said court, sound his docket and ascertain in open court, from the defendants the names of those demanding jury trials, and when ascertained the judge shall enter upon his docket the fact of such demand and continue the cause to the nearest jury term, when he shall proceed to try and dispose of the cases waiving jury trials; and when a defendant has waived a jury trial, and the judge has so entered the same, said defendant shall not thereafter be allowed to demand a trial by jury in said cause in said court.

Sounding docket; trials

SEC. 10. *Be it further enacted*, That all indictments for misdemeanors that may hereafter be preferred by the grand juries of said county, or which have heretofore been preferred, and the defendants not arrested, must be returned by the clerk of said circuit court to the judge of said county court, and be by the clerk of said circuit court, as ex-officio clerk of said county court, filed in said county court, and process must be issued by said clerk under said indictments and proceedings had in such cases in said county court as is now had in the circuit court, except as modified by this act.

Indictments returnable county court

SEC. 11. *Be it further enacted*, That the clerk of the circuit court, as ex-officio clerk of the county court, must prepare and keep for said county court a docket on which must be entered the misdemeanors to be tried, and he must attend said court at its regular sessions, either in person or by deputy, and must keep the minutes and records of all cases tried in said courts as now provided by law for keeping the minutes and records of misdemeanors in the circuit court.

Docket and minutes

SEC. 12. *Be it further enacted*, That if for any cause the judge of said county court shall be incompetent to try any case in said county court, the clerk shall certify that fact, with all the original papers, docket and minute entries in said case, to the circuit court, and the said circuit court, shall thereupon take

When judge incompetent to try

jurisdiction of said case and try the same on the original papers certified from said county court.

SEC. 13. *Be it further enacted*, That the judge of said county court shall have the same power and authority to impose fines, sentences to imprisonment in the county jail, and to hard labor for the county, that the circuit courts and the judges thereof now have or may hereafter have, and all processes issued from said county court shall be returnable to the next term of the county court from which said process issued.

SEC. 14. *Be it further enacted*, That if the judge of said county court fails to open said court on the first day of any regular term, the sheriff must adjourn the court to the following day, after which time, if the judge still fails to come, the court will stand adjourned until the next regular term.

SEC. 15. *Be it further enacted*, That whenever two or more warrants or capiases have been issued from said county court, and the defendant has not been arrested thereon, the court may order said warrants, or the indictment upon which said capiases have been issued, to be withdrawn and filed, and at any time thereafter, alias warrants or alias capiases may issue in said cases, and the cause proceed and be tried as if alias capiases or alias warrants had regularly issued, returnable to each term of said court.

SEC. 16. *Be it further enacted*, That in all preliminary proceedings before justices of the peace or notaries public, with powers of justice of the peace, of persons charged with misdemeanors, if it appears that the offense has been committed, and there is probable cause to believe the defendant is guilty thereof, the defendant must be discharged on giving sufficient bail to appear at the next regular term of the county court, but if the defendant fails to give sufficient bail, such person must be committed to the county jail by an order in writing, and all papers and process in said case must be returned by the magistrate to the county court by the first day of the term of said court, and the judge of the county court must proceed to try the cause on the original papers.

SEC. 17. *Be it further enacted* That all appeals by defendants from trials in criminal causes for misde-

meanors from justices of the peace, or notaries public with powers of justice of the peace, shall be taken to the county court, and cases thus appealed must be tried *de novo* as now required by law, for the trials of such appeals in the circuit court.

Appeals from  
justice of  
peace courts

SEC. 18. *Be it further enacted*, That all appeals from said county court shall be to the supreme court of the State of Alabama, and that the laws now in force, or that may hereinafter be enacted governing or applying to appeals in misdemeanors from the circuit courts of the state, shall apply to appeals from said county court.

Appeals to  
supreme  
court

SEC. 19. *Be it further enacted*, That a party aggrieved or desiring to bring a charge of misdemeanor before the county court, may apply to the judge thereof, or to some justice of the peace of the county, or to some notary public and ex-officio justice of the peace of the county for a warrant of arrest; and upon making affidavit in writing that he has probable cause for believing, or does believe that an offense (designating the misdemeanor by name, or by some other phrase which in common parlance, designates it, as for instance: larceny, vagrancy, assault and battery, etc.,) has been committed in said county by A. B. (naming the offender) then the judge of said court, or justice of the peace, or notary public and ex-officio justice of the peace, shall issue his warrant of arrest returnable to the county court.

Warrant of  
arrest

SEC. 20. *Be it further enacted*, That said county court shall have jurisdiction of all bastardy cases and bastardy proceedings in said county, and all laws now in force or which may hereafter be enacted relating to cases of bastardy, or bastardy proceedings, in the circuit courts of the state, shall apply to and be in force in said county court.

Bastardy  
cases

SEC. 21. *Be it further enacted*, That it shall be the duty of justices of the peace in said county in preliminary investigations of cases of bastardy before them, if it appears that there is probable cause to believe that the accused is guilty of the charge, to require him to enter into a bond, with sufficient surety, in a sum not exceeding one thousand dollars, to be approved by such justice, payable to the State of Alabama, and con-

Bail bond

ditioned that the accused will appear at the next term of the county court, and such justice must return such bond, complaint and warrant of arrest to the clerk of the county court by the first day of the term at which the accused is bound to appear.

Sheriff shall  
prepare list

SEC. 22. *Be it further enacted*, That the sheriff of the county shall immediately after this act becomes a law, and annually thereafter on the first Monday in January of each year, obtain and prepare a list of all the householders who are freeholders residing in said county, and are esteemed in their community for their integrity, fair character and sound judgment, who are over the age of twenty-one years and under the age of sixty years, from which list must be selected, as hereinafter provided, the names of such persons as may be thought competent to discharge the duties of petit jurors for said county court.

Sheriff and  
clerk must  
select jurors

SEC. 23. *Be it further enacted*, That the circuit clerk or his deputy, and the sheriff or his deputy, must meet on the second Monday in January and July each year, and select from said list the names of twelve persons to serve as petit jurors, at the January and July terms, who in their opinion are competent to discharge the duties of petit jurors with intelligence, impartiality and honesty, and are esteemed in their community for their integrity, fair character and sound judgment.

One panel of  
twelve men

SEC. 24. *Be it further enacted*, That the petit jury for each January and July term, shall consist of one panel of twelve men, and shall be selected as hereinafter provided and impaneled as petit jurors are under the general jury law as it now stands under the code of 1886, and venires for jurors shall be issued by the clerk immediately after the jurors are selected, and executed by the sheriff at once; and the judge of said county court shall have the same power and authority to order special venires and call in tales jurors as the circuit court has under the general jury law as it now stands in the code of 1886, except as it is modified by this act.

General jury  
law

SEC. 25. *Be it further enacted*, That all the general jury law as it now stands in the code of 1886, relating to petit juries and petit jurors, in the circuit courts, except as modified or repealed by this act, shall be in

full force and applicable to petit juries and petit jurors in the county court.

SEC. 26. *Be it further enacted*, That a county solicitor shall be appointed for said county court by the solicitor of the circuit in which said county is situated, and such county solicitor shall receive the same fees and commissions for convictions had in said county court from the officers collecting the same that are now allowed by law as solicitor's fees as prescribed in section 4868 of the code, to be taxed as cost against the defendant on conviction and collected as now provided by law for the collection of circuit solicitor's fees; *Provided*, that said county solicitor shall receive not exceeding seven hundred and fifty dollars, and should said fees amount to more than this sum such excess shall be paid into the state treasury.

SEC. 27. *Be it further enacted*, That the fees of the clerk of said county court shall be the same as is now or may hereafter be allowed to clerks of circuit courts; that the fees of the sheriff in said county court shall be the same as is now, or may hereafter be allowed the sheriffs in the circuit courts; that the jurors fees shall be one dollar each day, and witnesses fees shall also be one dollar each day, for each day's attendance, and mileage the same as is now allowed in the circuit courts of the state, all of the foregoing fees chargeable and payable as they are now chargeable and payable by law in the circuit courts of this state.

SEC. 28. *Be it further enacted*, That a fee of five dollars, in addition to the other cost, shall be taxed against the defendant on conviction, or against the prosecutor under the provisions of section 4223 of the code of Alabama, 1886, as county court cost, and if not presently paid, may be collected by execution or by sentence to hard labor, and when collected shall be paid into the county treasury.

SEC. 29. *Be it further enacted*, That the judge of the county court shall receive the following compensation and no other, which shall be paid out of the county treasury: That is to say if the warrant of arrest is issued by him, then for all proceedings had before him in such cases, four dollars; if the warrant is not issued by him, then for all services in

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AN ACT

[s. 402

To confirm the incorporation and organization of the  
Gadsden and Attalla Railroad Company.

Incorporation confirmed

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization of the Gadsden and Attalla Railroad Company, heretofore effected by and under proceedings had under the general laws of the State of Alabama, for the objects and purposes, and with the rights and powers set forth in said proceedings, be and the same is hereby in all things ratified and confirmed.

Approved February 18, 1891.

566]

AN ACT

[s. 384

To regulate the drawing of a jury for the July term of  
the county court of Lawrence county.

Jurors for  
county court

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the county commissioners of Lawrence county who are the jury commissioners of said county, at the April term of said commissioners court, 1891, to draw as now provided by law, twenty four persons to act as jurors at the July term of the county court of said county, who shall be summoned to serve as jurors for said county in case one is demanded, and to be summoned as now provided by law; said jurors to be paid as in circuit court; *Provided*, that said jurors shall not be summoned until the judge of said county court shall notify the sheriff in writing that a jury is needed.

Approved February 18, 1891.



against the fine and forfeiture fund as is heretofore mentioned; *Provided*, that all such grand jury certificates shall be presented for re registration within ninety days from May 1, 1891, and all claims not so registered shall be forever barred.

SEC. 10. *Be it further enacted*, That the court of county revenues of Wilcox county shall annually appropriate out of the general funds of Wilcox county for the period of two years the sum of seven hundred and fifty dollars annually for said period of two years, which shall be awarded on the second Mondays of April and November of each year, to the person or persons offering claims against the fine and forfeiture fund of said county at the highest rate of discount, due advertisement to be given by publication in a newspaper of said county. Annual appropriation

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same is repealed. Laws in conflict repealed

Approved February 18, 1891.

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AN ACT

[s. 468

To cede to the United States jurisdiction over the lands of Mount Vernon barracks and Fort Morgan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That pursuant to article one, section eight, paragraph seventeen of the constitution of the United States, consent to purchase is hereby given, and exclusive jurisdiction ceded, to the United States, over and with respect to all lands now, or which may hereafter be, embraced in the military posts and reservation of Mount Vernon Barracks in Mobile county, and Fort Morgan, in Baldwin county, so long as the United States shall occupy the same for public purposes; reserving however, to the state, a concurrent jurisdiction for the execution within said lands of all process, civil or criminal, lawfully issued by the courts of the State, and not incompatible with this cession. Ceding jurisdiction to United States

Approved February 18, 1891.

during the term to witnesses for the state by the clerk and by the foreman of the grand jury, showing the order by date, in which they were issued, to whom and for what amount; and for making said list the clerk, shall receive two cents for each certificate described thereon, to be paid out of the fund herein provided for, on the delivery of said list to the county treasurer.

Paying of  
certificates

SEC. 6. *Be it further enacted*, That on the completion of said list, the said book shall be delivered by the clerk to the county treasurer and it shall be open to the inspection of all persons who have certificates described thereon, and the certificates shall be paid in the order in which they are entered on said list, and when a certificate is paid, the fact shall be marked on said list with the date of payment and the certificate shall be surrendered by the holder and cancelled.

Costs in  
criminal  
case

SEC. 7. *Be it further enacted*, That whenever the costs in a criminal case in said courts are imposed on the defendant, or the prosecutor, or the foreman of the grand jury, the fees for witnesses for the state shall be taxed in costs and when collected shall be paid by the officer collecting the same to the county treasurer, and said fees shall constitute a part of the fund provided for by this act; and the officer collecting the same shall embrace said fees in the statement which he is required to make by section two of this act.

Re-registra-  
tion

SEC. 8. *Be it further enacted*, That it shall be the duty of the county treasurer to advertise in the newspaper published in Wilcox county, that all persons holding registered claims against the fine and forfeiture fund, shall present the same for re-registration within ninety days from May 1, 1891, and all claims not so re registered shall be barred.

Registration  
of witness  
certificates

SEC. 9. *Be it further enacted*, That all witness tickets that have been issued, where parties have been summoned at the instance of the state, before the grand jury, and the parties have not been arrested within two years after the issuance of said certificates of attendance before the grand jury, shall be duly certified to by the clerk of the circuit court that said parties have not been arrested within two years after the finding of the indictment, and on presentation with this indorsement said certificate shall be registered

bate of said county for the use of the court of county revenues of said county setting forth from whom and how much money they have collected for said fund; and whenever there shall be a surplus of said fund over and above the sum required to pay the claims of the state witnesses registered under the fifth section of this act, the court of county revenues of Wilcox county may use said surplus to pay claims as provided by section eight of an act entitled "an act to regulate the fine and forfeiture fund of Wilcox county, and the disposal of money arising from fines and forfeitures and convict labor," approved February 14th, 1885; but any officer who fails to deposit any money collected by him according to the requirements of this act shall on conviction be fined not less than the amount he fails to pay to the county treasurer, and he shall receive no part of said surplus on his claims for fees; and any officer who fails to file the statement required by this act shall receive no part of said surplus on his claims for fees.

SEC. 3. *Be it further enacted*, That after the passage of this act witnesses for the state in said courts, including witnesses before the grand jury, shall receive seventy-five cents a day for attendance, and two and a half cents a mile from and to their residence by the usually traveled route, and all necessary ferriages and tolls; but if a witness attend in more than one case on the same day he shall be entitled to compensation in one case only. Pay of witnesses

SEC. 4. *Be it further enacted*, That after the trial and continuance of the case, or discharge of the witness by the court or grand jury, the clerk of the court or foreman of the grand jury, upon the application and oath of the witness, shall issue to him a certificate setting forth that he was a witness for the state and the compensation to which he is entitled; and at the discharge of the grand jury the foreman must furnish to the clerk a certified list of all the certificates issued by him, showing to whom issued and the amount due to each witness. Witness certificates

SEC. 5. *Be it further enacted*, That immediately after the close of the term of a court the clerk shall enter in a book a certified list of all certificates issued Clerk to prepare certified list

each case three dollars ; for each final judgment against a defaulting witness or on forfeited undertaking of bail, two dollars.

Laws apply- ing to mis- demeanors SEC. 30. *Be it further enacted*, That all laws of a general nature now in force, or that may hereafter be enacted, as far as the the same applies to misdemeanors, unless the contrary be expressly provided, or as may be limited by this act, be held to apply and extend to said county court.

Laws in con- flict repealed SEC. 31. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 18th, 1891.

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AN ACT

[H. 433

To provide a fund for the payment of witnesses for the state in the circuit and county courts of Wilcox county, and to prescribe their compensation.

Fines, etc. payable in money SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all judgments rendered by the circuit and county courts of Wilcox county for fines, or for forfeitures of undertakings for bails or recognizances that may become payable after the passage of this act shall be paid in money only.

Fund for payment of state witnesses SEC. 2. *Be it further enacted*, That all money collected on judgments in the circuit and county courts of Wilcox county for fines and forfeitures, and all money accruing from and collected on account of sentences to hard labor for the county from convictions had after the passage of this act, including costs for state witnesses, shall be a fund for the payment of witnesses for the state in said courts, including witnesses before the grand jury, and any officer collecting any such money is hereby required to pay the same to the county treasurer of Wilcox county within ten days after the same is collected, and all officers who collect any of said money are hereby required to file a statement in writing and under oath on the first Monday in January and July in each year in the office of the judge of pro-

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## AN ACT

[s. 397

To incorporate the Colored Normal College of Lamar county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That P. M. Shaw, J. M. Spain, J. C. Smith, W. Brazele, J. W. Bankhead, G. W. Harten, Egbert Bowman and Nelson Walker, the trustees of the Colored Normal College of Lamar county, Alabama, be, and they are hereby created a body corporate and politic. Corporators

SEC. 2. *Be it further enacted*, That the name of said corporation shall be The Colored Normal College of Lamar county, and that under said name said corporation shall have power to sue and be sued, implead and be impleaded, contract and be contracted with; to buy, sell, mortgage and convey property and to receive gifts, and donations of property, in its corporate name; to borrow money, and to organize, regulate and maintain a college for the education of all persons who may desire admission therein; to confer degrees and grant diplomas to all persons who shall complete the course of study which shall be adopted by the board of trustees. Name,  
rights, etc

SEC. 3. *Be it further enacted*, That the officers of said corporation shall consist of eight trustees to be elected by the stockholders of said corporation at a time to be fixed by the by-laws, which may be passed for the regulation of said corporation and said board of trustees shall elect by ballot from their number a president, vice-president, secretary and a treasurer of said boards, who shall hold office for the period prescribed by the by-laws of said corporation; and whenever said corporation is sued, service may be perfected by service on either of said trustees. Trustees and  
officers

SEC. 4. *Be it further enacted*, That the trustees of said corporation shall have power to pass such by-laws as may be necessary and appropriate for the regulation of the affairs and matters of said corporation, and that after the passage of this act, the trustees who are now holding office and controlling said college, shall be the officers of said corporation, including the Powers

president, vice president, secretary and treasurer, now in office for the period prescribed by the by-laws now in existence.

SEC. 5. *Be it further enacted*, That said corporation through its board of trustees is hereby authorized to lease said college and grounds for a period not to exceed five years; that they may employ a regular faculty of teachers, prescribe the course of study, and fix the rate of tuition; that they may regulate the issuance of diplomas by said faculty.

SEC. 6. *Be it further enacted*, That said corporation shall have power to hold real and personal property to the extent of ten thousand dollars; that all contracts made in writing by said corporation shall be signed by the president and attested by the secretary of said board of trustees.

SEC. 7. *Be it further enacted*, That this act shall in no manner affect the acts of said corporation which may have been done by it as a corporation organized under the general laws of this state; *Provided*, that this act shall not take effect until the board of trustees shall accept it as the charter of said corporation by spreading it on their minutes. In the event of a vacancy in the said board of trustees, the same may be filled by the remaining members at any regular or called meeting of their body.

Approved February 18, 1891.

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AN ACT

[s. 425

To incorporate the town of Vienna, in the county of Pickens, and State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Vienna, in the county of Pickens, and State of Alabama, be, and the same is hereby incorporated, and the corporate limits of said town shall be as follows, to-wit: Commencing at the old bored well in said town and running north, east and south one-quarter of a mile, and west to the Tombigbee; and the present and future inhabitants of said



town shall be and continue a body politic and corporate under the name and style of "The Mayor and Town Council of Vienna," under and by which name and style the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property to the amount of ten thousand dollars, and do all acts incident to the bodies corporate.

SEC. 2. *Be it further enacted*, That the government of said town shall be styled "Mayor and Town Council of Vienna," and shall consist of a mayor and four councilmen, who shall be citizens of said town, and shall serve for the term of two years, and until their successors are elected and qualified; said officers to be elected by the qualified voters who shall have resided in said town for three months next preceding the election, and before entering upon their official duties shall take an oath to support the constitution of the state, and the oath of office therein contained. Government  
of town

SEC. 3. *Be it further enacted*, That the regular election for said officers shall be held bi-ennially on the first Monday in May, and shall be conducted by two or more qualified voters appointed by the sheriff of said county at the first election, afterwards by the mayor of said town for that purpose; and said mayor so elected shall ex-officio be a justice of the peace in and for said county, and to have all the jurisdiction conferred upon the same by the laws of the State of Alabama. The sheriff at the first election, afterward the mayor, shall determine the legality of election and declare who are the elected officers, and in the case of a tie shall determine who shall be the mayor and councilmen, but the corporation shall not be dissolved should there be no election as herein prescribed, in which case the mayor shall forthwith order an election to be held on some day within thirty days thereafter, giving ten days notice of the same. Elections

SEC. 4. *Be it further enacted*, That should a vacancy occur in the office of mayor or councilmen, such vacancy shall be filled by the remaining members of the board. Vacancies

SEC. 5. *Be it further enacted*, That the mayor and councilmen of said town shall have power: 1st. To elect such officers as may in their judgment be neces-

Powers of  
mayor and  
councilmen

sary to carry into effect the powers herein granted; 2d. To enact such laws and ordinances as may be necessary to maintain the same; 3d. To prevent and punish breaches of the peace and disorderly conduct within the limits of said town, and to punish the commission of all misdemeanors known to the laws of the state; 4th. To establish day and night police; 5th. To keep in repair the public streets, side walks, bridges and wells of said town, to keep them free from obstruction, to widen and change their direction, to discontinue or close them when expedient, and to open new ones; 6th. To license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, doctors, peddlers, cotton buyers, cotton weighers, druggists, shows, circuses and entertainments of every kind and description other than for social or charitable purposes when a fee of admission is charged, and for all other privileges taxed under the revenue code of the state; 7th. To regulate the selling or otherwise disposing of spirituous, vinous or malt liquors, or other intoxicating beverages or bitters of any kind within the corporate limits of said town; 8th. To punish by fine not exceeding fifty dollars, and imprisonment or hard labor or both, said hard labor not to exceed thirty days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor upon the streets of said town for non-payment of fines and costs, not inconsistent with the laws of the state; *Provided*, that in all cases wherein judgment shall have been rendered against any person he shall be entitled to an appeal to the circuit court of Pickens county, Alabama, under the rules and regulations prescribed by the laws of the state for cases tried before a justice of the peace; *And provided further*, that in all cases of appeal from the mayors court to the circuit court, when the defendant is convicted, the fine assessed against said defendant in said court shall be collected in money and be paid over to the treasury of said town.

Appeal

May levy  
taxes

SEC. 5. *Be it further enacted*, That said corporation shall have power to levy on all property, real and personal, or mixed, within the corporate limits of said town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate

prescribed by the constitution and laws of the state for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

SEC. 6. *Be it further enacted*, That an assessment of Assessment all the property within the limits of the town subject to taxation by the laws of the state shall be made annually to the owner of said property when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the marshal shall and must proceed to assess the same from the best information he can obtain; the assessment when completed must be returned to the mayor and councilmen who shall cause ten days notice to be given by posting in three public places in said town of the time and place when corrections will be made; when corrections shall have been made as above provided, the assessment must be marked approved and the marshal may collect such taxes as have been imposed upon such property by levy and sale, by giving twenty days notice of the same by posting in three public places in said town. Marshal to collect

SEC. 7. *Be it further enacted*, That all persons residing within the corporate limits of said town who are liable to road duty shall be liable and are hereby required to work on the streets and roads in said town not exceeding ten days in any one year. Work on streets

SEC. 8. *Be it further enacted*, That the mayor of said town of Vienna shall have jurisdiction of and power to try all violation of the laws and by-laws and ordinances of said town, and jurisdiction concurrent with justices of the peace of all misdemeanors known to the laws of this state committed within the corporate limits of said town. Jurisdiction of mayor

SEC. 9. *Be it further enacted*, That the marshal have the same power to arrest offenders, execute process, and enforce the laws and ordinances of the town as constables of the county now have, and he is hereby vested with the same authority conferred upon constables by the laws of this state. Powers of marshal

SEC. 10. *Be it further enacted*, That before the mayor and marshal of said town shall enter upon the discharge of their duties, each shall enter into bond with approved securities in the penal sum of one Official bond

thousand dollars, conditioned to faithfully discharge the duties imposed upon them and payable to the State of Alabama, and to be approved by the probate judge of Pickens county, Alabama.

Laws in conflict repealed SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 18, 1891.

569]

AN ACT

[s. 339

To prevent stock from running at large in beats four and seven in Lee county.

Stock law

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sixty days after the passage of this act, it shall be unlawful for the owner of any stock to permit such stock to go upon the land or crop of another in beat four and seven Lee county, Alabama, and for each wilful violation of this section the owner of any such stock shall be guilty of a misdemeanor, and shall be fined on conviction not more than fifty dollars.

Term stock

SEC. 2. *Be it further enacted*, That the term stock when it occurs in this act, shall be held to include horses, mares, mules, jacks jennettes, colts, geldings, stallions, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Damages

SEC. 3. *Be it further enacted*, That for any damage committed by stock running at large in such prohibited territory, the owner of such stock shall be liable to the injured party to the amount of the damage, and if the owner of such stock knowingly permits his stock to commit such damage then he shall be liable in twice the amount of such damage, to be recovered before any court having jurisdiction, in the name of the injured party, and any judgment for damage recovered in such suit shall be a lien on the stock so committing the damages, and the court in entering judgment, shall enter therein an oath that the officer executing the writ of execution shall seize and sell said stock for the satisfaction thereof and the costs of court.

SEC. 4. *Be it further enacted*, That the suits for damage, when the amount claimed does not exceed <sup>Trials</sup> one hundred dollars, and prosecution provided for in this act, may be tried before any justice of the peace, or notary public with justice jurisdiction, in the beat where the offense or damage occurs, with right of appeal as in other cases; if the justice of the peace, or notary public of such beat, are all incompetent under the law, then such trial shall be in any adjoining beat in said county where no such objections exist. For such prosecutions and trials, such justices and notaries public court shall always be open; but three days notice shall be given to the opposite party.

SEC. 5. *Be it further enacted*, Whenever any damage herein mentioned in this act has occurred, it shall be lawful for the injured party to confine the stock causing such damage, if taken up while such damage is being done, or before said stock has left his premises, and hold said stock until the damages caused by said stock are paid by the owner, if the amount thereof is agreed on by the parties. If they disagree, and the injured party institutes suit for damages in two days, he shall still be authorized to hold said stock until the trial is had, unless the owner gives bond with sufficient security, payable to the injured party in the sum of twenty-five dollars, conditioned to day such judgment as may be rendered in the cause against him in thirty days from its rendition. In the trial of such cause, if the plaintiff recovers, judgment shall be rendered for the costs of keeping such stock as well as for the damages provided for in section three of this act, and the costs of court. But if the defendant has tendered the bond herein provided for to the injured party, and in the discretion of the court trying said cause the security is sufficient, and the plaintiff refuses to accept the same, he shall not be allowed any cost for keeping such stock after said bond was tendered. And all suits for damages and prosecutions under this act shall be barred unless commenced in sixty days from the commission of the damages. <sup>Taking up stock, etc</sup>

SEC. 6. *Be it further enacted*, That the provisions of this act shall apply in all of its operations to beat <sup>Beat seven</sup> seven (7) in Lee county, and all laws in conflict with

the provisions of this act, so far as the same relates to any portion of beat 7, be and the same are hereby repealed.

Approved February 18, 1891.

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AN ACT

[S. 440]

To refund license money to James E. Ray, of Tallapoosa county.

Preamble

*Whereas*, On, to-wit, the 14th day of May, 1885, James E. Ray obtained a license to transact business as an *itinerant dealer in fruit trees*, in the county of Cullman, Alabama, for which he paid the State of Alabama fifty dollars for the year 1885; and,

*Whereas*, The law under which said license was issued and said amount paid, by the supreme court of the United States and the supreme court of Alabama was declared unconstitutional and void, and said amount was collected without authority of law; therefore,

Appropriation

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of fifty dollars, the said license money, be refunded to the said James E. Ray, and the auditor is hereby authorized and directed to draw his warrant on the treasurer in favor of James E. Ray for the said amount of fifty dollars, to be paid out of any funds in the treasury not otherwise appropriated.

Approved February 18, 1891.

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AN ACT

[H. 113]

To regulate and prescribe the manner of electing county commissioners in the counties of Lamar, Fayette, Marion and Franklin.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election to be held



on the first Monday in August, 1892, there shall be elected one county commissioner in each commissioners district in the counties of Lamar, Fayette, Marion and Franklin, and that the commissioners elected at that time in the uneven numbered districts shall hold office for a term of two years, and until their successors are elected and qualified, and that the commissioners elected at that time in the even numbered districts shall hold office for a term of four years, and until their successors are elected and qualified.

Election of  
county com-  
missioners

SEC. 2. *Be it further enacted*, That after said first election held under this act, elections for county commissioners shall be held bi-ennially on the first Monday in August, and their term of office shall be four years, and until their successors are elected and qualified, so that one-half of said commissioners shall hold over while the other half go out.

Two to be  
elected bi-  
ennially

SEC. 3. *Be it further enacted*, That in the counties of Lamar and Marion, each voter is entitled to vote only in the commissioners district in which said voter resides, and is entitled to vote for the commissioners in that district only, and that in the counties of Fayette and Franklin, every voter in said counties shall be entitled to vote for one commissioner in all the districts in which there is to be a commissioner elected.

District in  
which voters  
vote

Approved February 18, 1891.

572]

AN ACT

[s. 422

To be entitled an act to authorize the election of township superintendents in St. Clair county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be elected in each township and school district in St. Clair county on the first Saturday in October, 1891, and every two years thereafter by the qualified voters residing in such township or school district a superintendent of education of such township or school district. The election shall be held by order of the county superintendent of education of said county, and at such place in the township as he

Election of  
township  
superinten-  
dents

may designate, and who shall appoint three persons, qualified electors, who at the time reside in such township or school district to manage such election. That it shall be the duty of the sheriff of the county on proper notice from such county superintendent to notify the persons so appointed of the time and place of holding such election in manner as required by law in other elections in this state; that within two days after the election the managers shall transmit by mail or messenger the results of such election to such county superintendent; that on receiving such returns the county superintendent shall report the name of the persons so elected at once to the superintendent of education of the state.

Vacancies

SEC. 2. *Be it further enacted*, That if either or all of such persons so elected fail to accept such office, or if no election is held in the township, or any vacancy shall occur in such office of township superintendent, the county superintendent shall by appointment fill the vacancy, and the person so appointed shall hold office until the next regular election for township superintendent; that said township superintendent shall at the time of his election be a householder or free holder of the township for which he is elected; that the present township superintendent shall hold office until the first Saturday in October, 1891, and until their successors are elected and qualified.

Laws in conflict repealed

SEC. 6. *Be it further enacted*, That all laws in conflict with this act be, and the same are hereby repealed.

Approved February 18, 1891.

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AN ACT

[s. 170

To establish a new charter for the city of Decatur.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporation of the city of Decatur

Name, rights  
etc

shall hereafter consist of a mayor and council, and shall be known and styled as "The Mayor and Council

of the city of Decatur," and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts, as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said city, and may have and use a common seal, which may be broken or altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate limits of the city of Decatur shall be known and described as follows: Beginning at a point on the Tennessee river and Alabama street, running thence along Alabama street to the intersection of Alabama and Lee streets, as heretofore laid off and surveyed by the town of Decatur, thence along Lee street to the intersection of Lee and Oak streets, thence west along the corporate line of New Decatur, Alabama, to the center line of 6th avenue, west, thence north along the center line of said 6th avenue, west, to the center of the old Danville road, thence northeastwardly along center line of said Danville road to the corporate line of Decatur as formerly laid off and surveyed, thence in a northwestwardly direction along said line to Washington street, thence along said Washington street as laid off and surveyed into the Tennessee river, sixty yards from low water mark, thence along Tennessee river to the point of beginning on Alabama street.

SEC. 3. *Be it further enacted*, That the present board of mayor and council of the town of Decatur, hereafter to be known as the mayor and council of the city of Decatur, shall hold and continue in office until their successors are elected and qualified; and that the election for municipal officers under this act shall be held on the first Tuesday in May, 1892, and every two years thereafter, and the officers so elected shall hold their offices for two years from the date of said election, or until their successors are elected and qualified.

SEC. 4. *Be it further enacted*, That in all elections hereinbefore provided for the mayor for the time being shall give thirty days public notice, in some newspaper published in the county of Morgan, of the time and place of holding said election, which election must be held in the city of Decatur, according to laws governing elections in this state; and the mayor shall have

full power and authority to keep order at said elections, and to commit to the jail of the county, or to the town jail or lockup, for a time not exceeding forty-eight hours, any person or persons who shall make or attempt to make a disturbance at the place or places where such elections are being held, so as to interfere with the peaceable and orderly conducting of said elections; and the sheriff of Morgan county, and all police officers of the city of Decatur, are hereby commanded to obey and carry into execution all process issued by the said mayor as aforesaid, in pursuance of said act, and if there shall be an equal number of votes between any two or more persons who shall have been voted for at said election and the choice of mayor and councilmen, or either of them, is prevented thereby, the said mayor shall declare the fact, and shall issue notice in the same manner and form as is required by this act for the regular election, for a new election to fill the vacancy occasioned by those persons having an equal number of votes.

Polls, judges,  
counting  
votes, etc

SEC. 5. *Be it further enacted*, That the polls for said election shall be opened, and kept open, in the manner prescribed by the laws governing elections in this state; and on closing the polls, the judges shall proceed immediately, and in a public manner, to count the ballots, and when the certificates of the said judges or inspectors shall be filed as aforesaid, the clerk shall immediately give to each person a certificate of his having been duly elected.

Contests

SEC. 6. *Be it further enacted*, That if any election herein provided for shall be contested, it shall be decided before the judge of the Morgan circuit court, and shall be governed by the laws of the state providing for contested elections.

Ballots

SEC. 7. *Be it further enacted*, That the ballots cast at the several voting places in said city of Decatur, shall be carefully sealed up without examination; after said election they shall be deposited with the clerk of said city, who shall preserve the same for thirty days, and then, if there be no contest, said clerk shall cause the same to be burned in his presence; but if there be a contest, they shall be delivered to the judge trying the same.

SEC. 8. *Be it further enacted*, That in case of sickness or temporary absence of the mayor, the duties of his office shall be performed by one of the councilmen, who shall be designated by the board of councilmen for said duty. Mayor pro tem

SEC. 9. *Be it further enacted*, That if the mayor or any councilman shall, after his election, remove his domicile out of the city limits, he shall thereby forfeit and vacate his office; and in the event of his death, resignation, or removal, the city council, on five days public notice, shall have authority to elect some person to fill the vacancy thus created, and the person so elected shall hold the office to which he shall have been elected, for the remainder of the unexpired term. Vacancies

SEC. 10. *Be it further enacted*, That any councilman may be deposed for misconduct in office, or habitual neglect of his duty as councilman, by vote of all the other members of the council; the mayor may be removed from office for malfeasance in office, or for any cause which permanently incapacitates him from discharging his duties, by the circuit court of Morgan county, on the presentment of three members of the council. The charges and specifications shall be filed in the office of the clerk of the circuit court, by the council, in the name of the city, signed by three members of the council, attested by the city clerk; and notice to the mayor of the filing of the same shall be issued by the clerk of the circuit court, and served by the sheriff of the county. The case shall be put upon the docket and stand for trial at the first term of the court after filing of the charges; *Provided*, twenty days notice has been given to the mayor; if said notice has not been given, then the next term shall be trial term. The trial shall be conducted according to the rules of practice in criminal cases. The judgment of the court in trials under this section, shall not extend beyond removal from office, and the imposition of costs upon the unsuccessful party. Removal from office

SEC. 11. *Be it further enacted*, That at any election hereunder, polls may be established at as many places as in the judgment of the mayor and council may be necessary. Places of voting

Street tax

SEC. 12. *Be it further enacted*, That all male persons liable to road duty under the laws of this state, residing in said city, shall be liable to street tax, to be fixed by said council, and shall be exempt from road duty upon payment of said street tax, not to exceed three dollars; but on failure to pay said street tax, shall be forced to work out the amount thereof, on the streets of Decatur at the rate of fifty cents a day, under such ordinances as the mayor and council may prescribe.

Duties of  
mayor

SEC. 13. *Be it further enacted*, That it shall be the mayor's duty to preside and keep order at the meetings of the board; he shall call special meetings of the board, whenever in his opinion, the interest of the city requires it; he shall keep his office in said city, and hear and determine all cases of violation of all by-laws or ordinances, or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe, and he shall possess within the corporate limits of said city, all the power and jurisdiction of a justice of the peace, in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace that has not already come before him as mayor of said city. From any judgment or decision of said mayor as such an appeal may be taken by the defendant to the next term of the circuit court, of Morgan county, Alabama, or the city court of Decatur, upon defendant entering into bond, with good and sufficient security to appear at the term of the court to which the appeal is taken, and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the city of Decatur in such penalty as the mayor may prescribe and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted, the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the

Appeal



trial before him, and if the fine be not paid, or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinances of said city upon conviction before the mayor. In case defendant do not appear at the trial, but makes default, his bond shall be declared forfeited, and judgment shall be rendered thereon against defendant, and his sureties as in state cases, except that the judgment shall be in favor of the city of Decatur; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the cause shall be tried de novo, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceeding by motion, scire facias, or other writs instituted for the collection of any fund or bond, payable to the city of Decatur, taken under this act, or under the ordinance of said city passed in pursuance of this act; and from his judgment rendered in such proceeding, execution thereon may issue and be enforced as execution from justice court; said mayor shall have the right, when the good or safety of the city may require it to demand the aid of the sheriff of Morgan county, for the protection of said city; he may punish any contempt while holding his court, or while the board is in session, by fine not exceeding twenty-five dollars, and by imprisonment not longer than ten days, one or both; he shall at least once in every six months make a written statement of the financial condition of the city, which statement may be published in at least one of the papers published in the city; he shall have the power to suspend the marshal or any policeman, until the next regular meeting of the board, and report to said meeting the facts of such suspension and its cause; and he shall do and perform such other and further duties as the board may require; and he may compel the attendance of witnesses on his court, by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with subpoena.

Jurisdiction  
of mayor

SEC. 14. *Be it further enacted*, That the board Appointed officers  
may appoint a city marshal, clerk and treasurer of said

city, and such other officers as they see fit and think necessary for the good government of said city, and prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bond of such officers suit may be brought and recovery had before any court having jurisdiction, and such suits shall be governed in the same manner as other like suits. The city council shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board, and signed by the mayor, or acting mayor, and the same shall be of the force and effect of a record, and a copy thereof duly certified by the clerk shall be prima facie evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection.

Powers of  
marshal

SEC. 15. *Be it further enacted*, That the marshal shall have in said city all the powers of a constable, and shall be entitled to all the fees of such officer; he shall possess in said city all the powers of a peace officer; he shall execute the orders, notices and process of the board, and of the mayor, and may arrest without warrant for all violation of city ordinances committed in his presence, but for all other violation of said ordinances arrests must be made with warrant; he shall perform such other and further duties as the board may prescribe.

Powers of  
mayor and  
aldermen

SEC. 16. *Be it further enacted*, That the mayor and aldermen of said city shall have full and complete powers: 1. To make and adopt by-laws and ordinances, in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of the city, as they may think proper, and generally, and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of this state, as shall be needful for the government, police interest, welfare and good order of said city; and to affix thereto

such penalties for the violation of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said city, failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid, in such manner as the board may direct, not longer than thirty days; *Provided*, that any person shall have a right to give a stay-bond with two good and sufficient securities, to be approved by the mayor, to pay such fine and costs within thirty days, from judgment imposing the same, but if after such bond and security such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligators in said bond. The board may pass all needful laws to compel persons to work on streets or elsewhere in the city, who refuse to work when under the mayor's sentence for violating any city ordinance; but no female must be punished by subjecting her to work on the streets. 2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said city, and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof; and punish any breach of quarantine law. 3. To prevent and remove all nuisances at the expense of person causing the same or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation at the expense of owner of the same, when they fail or refuse upon reasonable notice to remove or renovate and repair such houses or structures. 4. To establish, set up and regulate hospitals, work houses and houses of correction. 5. To license, tax, regulate or restrain theatrical and other amusements; and selling, retailing or giving away vinous, spirituous, or malt or intoxicating liquors or beverages. 6. To restrain or prohibit gambling, gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, and anything else hurtful to the good order

Powers of  
mayor and  
aldermen

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Powers of  
mayor and  
aldermen

and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Decatur, or made, or kept, or found there, to be used for gaming purposes. 7. To appoint and regulate day and night watchmen, police patrol and captain thereof. 8. To divide the city into wards, and to regulate and change the same. 9. To establish regulate and control markets, market houses, and to pass by-laws, for the sale of meats, vegetables and other like articles within certain places and within certain hours. 10. To sink, repair and regulate fire plugs and public hydrants and to make all needful provisions to supply the city with water, gas and gas lights, and electric lights, and to control street lamps. 11. To open, locate, repair and regulate and establish alleys and streets, and to change, alter, abolish and vacate them, or any part, or parts thereof; to establish avenues, pavements, sidewalks, and curb and grade them and regulate the same, and to make all the salutary by-laws respecting the use of the streets. 12. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same; and to compel owners of lots or real property to drain the same and ditch it at the expense of the owner, and to drain and ditch the same, when the owner fails or refuses, after five days notice, to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which said tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the city limits when necessary. 13. To establish, lay out, regulate and locate public parks. 14. To establish or regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require all owners of theatres, opera houses, and all other houses, where the public assemble in mass, to provide such houses with fire escapes, and suitable exits. 15. To lay out, regulate and control city cemetery,

burial grounds, and to sell burial lots in same. 16. To prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals, and to pass all laws, in the judgment of the board necessary for the sale and impounding of animals on proper notice to owners thereof. 17. To regulate and control running of cars on or across streets, avenues or alleys of said city, and to control the speed of such cars and locomotives in said city. 18. To pass all necessary and proper laws for the arrest, with and without a warrant, of all offenders against the city ordinances or state laws; and to confine such persons until tried, convicted or discharged by law. 19. To pass all laws and ordinances in relation to auctioneers, plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. 20. To make and ordain necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the city for a limited time, not exceeding thirty days. 21. To punish all persons who obstruct the marshal, or other officer in the arrest of any person in said city, or in the lawful discharge of any duty in said city, and to punish all persons, who when called upon to aid in arresting any person, fail or refuse to give such aid. 22. Said board may establish necessary inspection, fix and regulate the assize of bread, and provide for the weighing and measuring of all kinds of produce for man or beasts and regulate the same. 23. To regulate and control the manner of building partition walls and fences; to regulate the keeping and storage of gunpowder or other dangerous material, guano or other commercial fertilizer within said city; to regulate and control the sweeping of chimneys, the use of lights, stove pipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses; to prevent the spreading of fire and to extinguish the same. 24. To require property owners to

Powers of  
mayor and  
aldermen

Powers of  
mayor and  
aldermen

keep sidewalks in front of their property in good order, and to pave the same, when the board shall so order; to repair, keep in good order, and have sidewalks in front of such property, whose owners shall after being so ordered, fail or refuse to repair, keep in good order, or against such property, which tax shall have the lien of and be enforced and collected as other taxes. 25. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares; to supply the city with pure water, and for all other public municipal purposes proper, on making just compensation to owners of lands condemned, and the general laws of the state, applicable to *ad quod damnum* suits and proceedings, shall apply in all such cases; to build drains and sewers, and to supply the city with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary. 26. To have and exercise full police power in said city; to prevent crime, and arrest offenders; to protect the rights of persons and property; to preserve the public peace, and for this purpose may command the aid and assistance of the sheriff of Morgan county, and all volunteer military companies in said city, whenever the mayor and board may deem the same necessary. 27. To grant the right of way through, over, across, and along the streets, avenues, and squares of said city, for the purpose of street or other railroads, telephones, telegraph and electric light companies, and for laying pipes of gas and water companies. 28. To punish injuries to streets, sidewalks and trees, and to private and city property. 29. To license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee-houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery stable keepers, and all other privileges, and also to license, tax and regulate machinery, carriages, carts, omnibuses, wagons, drays, and all other vehicles; *Provided*, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees; *And provided further*, that the maximum amount of license so imposed upon any business, trade,

License tax



or profession, shall not exceed the following: Abstract of title: each person, firm or clerk engaged in the business of making abstracts of titles, not over \$10.00; architects or superintendents of buildings, each, 10.00; auctioneers, non-resident, \$50.00; autioneers, resident, \$25.00; bakers, each, \$10.00; banks, and bank agents and dealers in exchange \$50.00; bill posters, or distributors, each, \$10.00; billiard or pool tables, each, \$20.00; bowling alleys, each \$20.00; bottlers of beer or ale, each, \$25 00; bottlers of mineral or soda waters, each, \$10.00; buggies, wagons or carriages, each dealer other than general dealer in merchandise, not manufactured in city, \$25.00; building and loan associations, each, \$20.00; brickyards or dealers in brick, .....; brewers or breweries or agents for same, each, \$50.00; cane, knife board, striking machine or device of like kind, each \$25.00; candy manufacturers, each, \$10.00; cabinet makers or proprietors of wood-shop, \$10.00; carts, drays or wagons, two-horse, each, \$15.00; civil engineers or surveyors, each member of firm, \$10.00; circus, each performance or parade on the streets; *Provided*, that no more than 75 cents for adults and 50 cents for children under ten years of age shall be charged; *And provided further*, that they shall have tickets on sale, at least three hours before the performance begins; *And provided further*, that not more than 25 cents extra shall be charged for reserved seats, not over \$100.00; confectioners, each person or firm where confectionery is the principal stock in trade, \$10.00; contractors, each person or firm employing one or more journeymen or sub-letting contracts, \$25.00; cotton press or compress, \$50.00; cotton buyers or brokers, not including merchants, who pay merchandise tax, \$10.00; commission merchants, or brokers whether by sample or otherwise (except commercial travelers) \$25.00; concert, musical entertainments not otherwise provided, or when charges are made for admission, or for the use of any instrument or device, or the participation in any exercise or entertainment not given for charitable, religious or school purposes, each performance, \$5.00; coal dealers, including those who buy, mine or haul coal into the city for sale, or where dealers have separate

License tax

## License tax

yards, license to be take out for each complete yard, \$10.00; cotton gins, dealers in and agents for same, \$25 00; cigar manufactories, each \$10.00; dancing masters, each, \$10.00; distillers of spirituous or vinous liquors, \$50.00; druggists and apothecaries, each person or firm, \$10.00; drummers or commercial agents selling to consumers, \$20.00; dye houses, each \$10.00; drover or dealer in horses or mules, other than liverymen, \$10.00; exhibition of leg-  
gerdermain, or sleight-of-hand, or other exhibitions of like kind, \$10.00; express companies having an office in the city, or the business of carrying express matter from Decatur to other points in the state, and from other points in the state to Decatur, each \$50.00; fertilizers, dealers in commercial fertilizers, each \$20.00; fish and oysters, dealers in either or both, \$10 00; fire-works or pyrotechnics, dealers in, \$10.00; fortune-tellers, each \$10.00; fruit stands, where fruit is principal stock in trade, \$10.00; gun shops, or gun repair shops, each \$10.00; gas companies, or other light companies, each \$100.00; hacks, omnibuses, or coaches, one-horse, run by livery stables or individuals, by the hour or by the day, each \$15.00; hucksters and basket peddlers, each (provided they shall not sell within fifty feet of regular stand) \$10.00; hotels, over 50 rooms, \$40.00; hotels, over 25 and less than 50 rooms, \$20.00; hotels, less than 25 rooms, \$10.00; intelligence or employment offices, each \$25.00; ice factories, or agents of same, each \$50 00; ice dealers, without wagons, each \$10.00; ice dealers, with wagons, for each wagon \$10.00; ice cream saloons, or dealers in ice cream, except in restaurants where it is served with meals, \$10.00; insurance agents, life and fire, each person or firm, for each company represented \$10.00; itinerant traders, by sample or otherwise, \$10.00; itinerant traders in fruit trees, vines, shrubs, or plants of any kind, \$10.00; junk dealers, or dealers in hides when principal stock in trade, \$20.00; job printing office, when run by steam, water or other motive power, \$20.00; job printing offices by hand, \$10.00; lunch stands not in connection with restaurants or barroom, \$10.00; lawyers, doctors and dentists, \$10.00; *Provided*, that all lawyers practicing within

the corporation of the city of Decatur who are non-residents of said city of Decatur, shall pay a like sum of ten (\$10.00) license tax for each individual or firm doing business as such in the courts of said city of Decatur; laundry or agency for laundry, each \$20.00; lightning rod agents, each \$25.00; livery or sale stables, each \$10.00; loan associations or companies, each \$50.00; lumber yards or dealers in lumber, each \$20.00; liquor—retail dealers in vinous, spirituous and malt liquors, when the business is conducted under one roof and without a partition dividing the saloon in two apartments, \$400.00; if the saloon be divided by partition or into two apartments, each apartment shall be considered a separate saloon, and charged for as such. Wholesale dealers in vinous, spirituous and malt liquors, each \$200.00; wholesale dealers in malt liquors, \$40.00; machinery or agricultural implements when principal stock in trade, each dealer \$20.00; marble yards or agents of marble dealers, \$10.00; merchant tailors, each \$10.00; millinery establishments, \$10.00; mills—each person or firm operating a corn or flour mill, \$20.00; menagerie or museum in connection with circus, \$20.00; newspaper offices, daily, each \$20.00; newspaper offices, weekly, each \$10.00; newspaper offices, monthly, each \$10.00; newsdealers, each person or firm, \$10.00; oils—each wholesale dealer or agent for same, \$20.00; pawnbrokers or pawnbrokers' agent, \$50.00; peddlers on foot, each \$10.00; peddlers, one horse, each \$15.00; peddlers, two horses, each \$20.00; peddlers, basket, other than country produce, \$10.00; pistols, or pistol cartridges, bowie knives, dirk knives, whether principal stock in trade or not, \$100.00; playing cards, dealers in, \$5.00; public weighers, each \$10.00; public halls, each \$10.00; photograph and art galleries, or art studios, whether in house or tent, \$10.00; transient photograph galleries, \$25.00; plumbers and gas fitters, each \$20.00; railroad commissary or grub car, whether run by railroads, or individuals, for each car used in selling goods within the corporate limits, \$100.00; each company having an office in, or running cars in, or into the city for the business of transporting freight and passengers from Decatur to other points in the state, and from other points in the

License tax

## License tax

state to Decatur, \$50.00; real estate agents or brokers: each firm or person employed in buying or selling on commission as assistant, or clerk, \$10.00, (any person selling or renting, or offering to sell or rent for a compensation, or who advertises himself as a real estate agent, or who receives a compensation for the sale or rental of real estate in this city, shall be deemed a real estate agent, and subject to license as such, and one sale shall be sufficient); reporters on credit and standing of business men, \$20.00; restaurants and eating houses, \$10.00; sausage factory, each \$10.00; saw mills, each \$20.00; sewing machine companies each, selling directly by agent or dealer in sewing machines, \$10.00; sideshows, accompanying circus, menagerie or museum, \$10.00; skating rinks, each \$10.00; shooting galleries, each \$10.00; stock and bond brokers, each member of firm, \$25.00; stencil cutter or manufacturer or dealer in rubber stamps, each \$10.00; street railroad companies, whether by horse or steam motive power, each \$50.00; telegraph companies commercially engaged in business in the city and sending messages from the city to any point in the state, and from any point in the state to the city, it being the purpose not to tax interstate messages, each \$50.00; telephone exchanges each \$50.00; tinshops, each \$10.00; ticket brokers or scalpers for steamboat or railroad tickets, each \$10.00; theatre, concert or music halls per annum, \$100.00; tobacco: retail dealers in manufactured tobacco, whether principal stock in trade or not, \$5.00; transient physicians or vendors of patent medicines or compounds, sold as medicines, spectacles or eye-glasses, by sample or otherwise, \$25.00, same when accompanied by music, \$50.00; undertakers, each person or firm, \$10.00; veterinary surgeons each, \$20.00; water companies, each \$50.00; warehouses and weighers, each, 10.00; watchmakers and jewelers, doing business for themselves, \$10.00; woodyards and dealers in wood, each \$10.00; *Provided*, that in assessing this license tax, said board of mayor and aldermen shall be governed by the amount of stock in trade, carried by the person against whom said tax is assessed, and the amount of business done by any person or persons pursuing any vocation herein authorized to be licensed, and in no

event exceeding the maximum amount herein stated.

Miscellaneous :—Keeping stud horses or jacks, each animal, \$5.00; each person or firm engaged in buying and selling futures in cotton, stocks, bonds or other commodities or options for speculation, or on commission, including members of stock exchange, \$100.00; each stove range, or clock company selling stoves, ranges or clocks, either themselves or by their agents, (provided this shall not apply to merchants doing a general business who keep said articles in stock) \$10.00; dealers in green meats outside of market per annum, \$25.00; peddlers of green meats, per month, \$10.00; wholesale dealers in green meats, each, \$50.00; every grinder of a hand organ, or strolling band of music, per week, \$5.00; per each person or firm engaged in merchandising, not over \$10.00. The corporate authorities may also by ordinance impose such fines and penalties, within the limitation of this act, as they may deem advisable for the doing of any business, or carrying on any trade, or exercising any privilege, or practicing any profession by any party who shall fail to take out such license as may be imposed by the corporate authorities; *Provided*, that no tax shall under any circumstances be levied against persons selling country produce, fowls, live stock or meats of any kind grown or raised by such persons. 30. To levy and collect from all persons, firm or corporation, trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax, which shall be fixed and declared by ordinance, and the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation; *Provided*, that not more than one license tax under this act, shall be assessed against, or collected from parties trading or doing business under a firm name; *Provided further*, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade simply by his own skill and attention without the aid of employès; *Provided*, that all license so charged for by the city of Decatur, shall conform to the agreement of the law of the city of New Decatur in regard to the taxing of the various businesses by the said city of New Decatur against the said

License tax

city of Decatur. 31. To adopt the provisions of any section of the code of Alabama they may deem advisable for the interests or good government of the city.

Large expenditures  
SEC. 17. *Be it further enacted*, That no contract shall be made or entered into by said mayor and council involving an expenditure of more than ten thousand dollars, without the votes of four-fifths of the councilmen.

This is a public act  
SEC. 18. *Be it further enacted*, That this act is declared to be a public act, and may be read in evidence in all courts of law and equity, and all ordinances, resolutions and proceedings of the city may be proved by the seal of the corporation, attested by the city clerk, and when printed, purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Rate of tax  
SEC. 19. *Be it further enacted*, That the corporate authorities of the city of Decatur, may levy and collect each year, upon all real and personal property, and all subjects of state taxation within said city, except the subjects enumerated in section 454 of the code of Alabama, and except the tax levied on polls, a tax not exceeding one-half of one per cent. of the value of such property, or subjects of taxation, as assessed for state taxation during the year preceding that for which the corporate authorities may assess and levy the tax above provided for, and there shall be no exemption from such taxation; *Provided*, that in case any property has escaped taxation in previous years, the clerk or tax assessor shall assess the same, to be collected as other taxes are collected. All property used exclusively for charitable, educational, and religious purposes or either of them, shall be exempt from taxation by said city.

Assessed by county as  
sector's book  
SEC. 20. *Be it further enacted*, That the taxable property of each tax payer, and the subjects of taxation on which he is taxable, and the amount of value of each item thereof, as valued by the assessor of Morgan county for the preceding year, mentioned in section 453 of the code of Alabama, shall be ascertained and fixed by the aforesaid tax assessor's books of such year, made by him according to law, and any supple-



mental assessment that may have been made by him for such year, all corrected according to the laws of Alabama.

SEC. 21. *Be it further enacted*, That the corporate authorities shall cause a copy of such tax assessor's books, corrected as aforesaid, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act, but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be corrected as to show the true owner at the beginning of the year for which the tax provided for in this act, is to be laid, and so as to show against whom the tax on each is laid; if the property has since such assessments, been destroyed or greatly damaged by fire or other cause, this shall also be rated with the estimated amount of damage.

Tax assessment book

SEC. 22. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected it shall be filed with the clerk of the city of Decatur, where it shall remain for twenty days open to public inspection, and notice of the fact shall be immediately given by said clerk by publication of a notice to such effect for ten consecutive days in some newspaper published in Decatur. Any person charged in said book as the owner of any property or subject of taxation, which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall, within twenty days, file with the clerk his affidavit to that effect, and if he knows the owner shall state who it is, or that he does not know. Any tax payer may file objections as to the correctness of said book as a copy of aforesaid book of the tax assessor of Morgan county, stating wherein said copy does him injury. Upon notice by the clerk that these objections have been filed said mayor and aldermen shall meet and determine all objections, and correct said book accordingly, and their decisions on such objections and as to all corrections to be made shall be final. Said mayor and aldermen shall con-

Hearing objections ;  
correcting  
assessments

tinue its session from day to day until all objections filed are disposed of and no longer.

Levying tax

SEC. 23. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be a quorum of for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year, the tax authorized by this act, on all property and subjects of taxation so listed and valued in the book heretofore mentioned, corrected as aforesaid.

Lien for

taxes

SEC. 24. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the city of Decatur shall have a preferred lien over all incumbrances and securities whatsoever, except county and state taxes, and all taxes against the property of any person under this act, or for which such a person, may become liable for the current year, shall be a lien upon the real and personal estate of such person within said city of Decatur, from the first day of January of that year, or if brought in there after that time, the lien shall attach from the time it is brought into said city.

Mayor's warrant authorizing collection

SEC. 25. *Be it further enacted*, That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the city of Decatur, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper in Decatur or by posting the same in three public places in said city that he is ready to receive payment of taxes. Taxes not appearing in said book but authorized by this act, will be collected on the warrant of the mayor directed to the tax collector commanding and authorizing him to collect said taxes.

Personal demand by collector

SEC. 26. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice, the city tax collector shall make personal de-

mand on delinquents, wherever they may be found, for their taxes and costs, and whenever unable to find them shall leave a written or printed notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non-residents of the city.

SEC. 27. *Be it further enacted*, That the collector of taxes shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

Liability of  
collector

SEC. 28. *Be it further enacted*, That all taxes laid under this act, which are not at the end of ninety days from the first publication of the notice required in this act paid, shall be in arrears and delinquent from that date, and after the expiration of said ninety days as aforesaid, the tax collector may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then upon the real estate of such delinquent tax payers; *Provided*, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of such delinquent taxpayer for taxes and costs of sale, and no personal property sold for taxes shall be subject to redemption, and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

Delinquent  
taxes

SEC. 29. *Be it further enacted*, That it shall be the duty of the tax collector whenever upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the city, and thereby the collection of such taxes is in danger, to make out and certify to the mayor of the city a bill against such person for the amount of such taxes and fees due thereon, and upon the approval thereof by the mayor in wri-

Persons ow-  
ing taxes,  
about to  
leave

ting endorsed thereon, such writs shall operate as a writ of fieri facias, which the collector is authorized to execute by levy and sale in the same manner as sheriffs are authorized to execute such writs when issued out of the circuit court, and on the failure of the collector to act in the cases provided for in this section, he shall be liable for the taxes against such person.

Advertising  
tax sale

SEC. 30. *Be it further enacted*, That when real estate is levied on for taxes notice of the sale shall be given ten days before the sale in some newspaper published in Decatur; and the land so levied on must be described by such numbers and abbreviations as will clearly indicate the land to be sold; and the sale of such property shall take place in front of the mayors office in Decatur, commencing on the day indicated in the notice, and continuing from day to day until completed.

Tax sales

SEC. 31. *Be it further enacted*, That at all sales by the tax collector of property for taxes, he shall attend and bid off for the city of Decatur as purchaser, all the lots and lands on which the tax collector cannot get a bid from other persons for the taxes and expenses of sale, and the city of Decatur shall have a certificate of purchase, and be invested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for non payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: I ....., tax collector of the city of Decatur, do hereby certify, that the city taxes for the year 18...., (or the particular tax or assessment, as the case may be), amounting in all to \$.....; being due and unpaid by A. B. the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.) and for the collection of costs of levy and sale, to (C. D.) who has paid the amount of taxes due as above, the following piece, parcel or lot of land in the city of Decatur, and bounded and described as follows: (Insert description.) By virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand

and affixed the seal of this corporation, this the .....  
day of ..... 18....

..... ,  
Tax Collector.

Said certificate shall be prima facie evidence of the regularity of all the previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment of sale, unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment and the proceeding for sale, were paid at the time of such sale. Any real property sold under this act may be redeemed by the owner, or any person interested therein, within two years after said sale by paying to the city of Decatur the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office in a book provided for the purpose and properly indexed, a record of all certificates of purchase issued by him, and when real estate shall be redeemed, as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser, or his assignee, shall demand the money paid on such redemption, he shall pay the same to him on the surrender of the certificate of purchase, and his on failure to do so, he and his bondsmen shall be responsible to the persons entitled to such redemption money. Said tax collector shall give to the person redeeming any real property, a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated, and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from the date of sale

Right to re-  
deem

Tax deeds to  
purchasers

the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold and unredeemed, and deliver the same to the purchaser, or his assignee, upon return of the certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed; but any number of parcels of real property for which one person may hold certificates of purchase may be included in one deed. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded, shall vest in grantee all rights, titles and estate of former owners, free from all encumbrances made or suffered by them, except state or county taxes. Such deeds shall be prima facie evidence in all courts of this state in all controversies and suits in relation to the rights of the grantee therein, the land conveyed, of the facts recited in such deed, of the regularity of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns.

May adopt  
provisions  
of code

SEC. 32. *Be it further enacted*, That should said corporate authorities require other means of collecting the taxes herein authorized, they may, by ordinance, adopt or substitute for any of the foregoing, the provisions contained in the code of Alabama, or any part of such provisions for the collection of taxes, so far as the same will apply, and have the same right to sell property and make titles to property sold for taxes as is provided for collecting state and county taxes, and said corporate authorities in adopting provisions shall, by adopting ordinance, declare which of said provisions they adopt, and in such ordinance they may change the provisions so far as to substitute the city tax collector for that of the state and county, and so as to adopt the provisions relative to the state and county taxes, to the collections of taxes herein authorized; and the mayor and aldermen shall have the power to collect all taxes and all fines by execution, levy and sale, and from such execution, no property shall be exempt; *Provided*, that this mode of collection shall not prevent collection of such in any other manner than herein provided.



SEC. 33. *Be it further enacted*, That it shall be unlawful for any officer of said city to make or enter into with the city authorities any contract for work or services or for material and supplies, and any such contract shall be void; nor shall any officer or person charged with the collection of taxes, licenses or dues for said city unless it be to dispose of warrants that may have issued directly to such person due, or to in any manner offer any claim, warrant or liability against said city, and any person violating this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than one hundred dollars.

Unlawful  
contracts

Must not  
deal in city  
claims

SEC. 34. *Be it further enacted*, That the board of mayor and aldermen of said city, whenever they see proper to do so, may provide for a registration of the voters of said city, and such registration shall be made under such lawful rules and regulations as the board may prescribe; *Provided*, that the registration books shall be opened for the registration of voters at least twenty days before the first Tuesday in May of each year when elections are to be held hereunder, and shall close ten days before said election, and no person shall be allowed to register unless he shall be at the time of registration a legal voter, or shall become a legal voter by the day of said election, under the constitution and laws of Alabama, and no person not so registered shall be allowed to vote in said election.

Registration  
of voters

SEC. 35. *Be it further enacted*, That no ordinance shall become valid unless the same shall be read at least at two different meetings of the board, and shall not be passed or go into effect until passed after a second reading as herein provided; *Provided*, that by an unanimous vote of all the councilmen of said city, an ordinance or resolution may be read twice at one meeting, and if then passed as is hereinbefore provided, the same shall become valid as is hereinbefore provided for other ordinances and resolutions.

Passing  
ordinances

SEC. 36. *Be it further enacted*, That the mayor shall have no vote upon any motion, resolution or ordinance that may be before said council, but shall have the power to veto any such motion, resolution or ordinance,

Mayor's veto

and when so vetoed by him, it shall require a four-fifths vote of all the councilmen to pass the same over said veto, and unless it receives said four-fifths vote, the said motion, resolution or ordinance shall not become valid, binding or operative.

Laws affect-  
ing this act      SEC. 37. *Be it further enacted*, That no general act of the General Assembly of Alabama, shall in any way affect, repeal and change any of the powers herein granted, but the same shall be done only by special act referring to the particular portion or portions hereof which it is intended to change, alter or amend.

Acts  
repealed      SEC. 38. *Be it further enacted*, That an act entitled "an act to establish a new charter for the town of Decatur," approved March 3rd, 1870, and an act entitled "an act to amend the charter of the town of Decatur, in Morgan county," approved February 25th, 1875, be, and the same are hereby repealed; *Provided*, that no prosecution, suit or claim whatever, pending or to be brought under existing laws or any contract now existing with the mayor and council of the town of Decatur, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the town of Decatur, adopted in pursuance of law, shall be and remain in force until repealed, or changed by the mayor and council of the city of Decatur, and all the powers granted by this act shall and must be liberally construed in favor of the powers of the city to pass such laws.

\*Approved February 18, 1891.

574]

AN ACT

[s. 405

To amend sections three (3), four (4), seven (7), eight (8), eleven (11), twelve (12) and thirteen (13) of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section three (3) of an act entitled

an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16, 1879, be and the same is hereby amended so as to read as follows: Section 3. Be it further enacted, That the government of said town shall be styled "The Common Council of Dadeville," and shall consist of a chief officer to be styled "Mayor of Dadeville," and five common councilmen, who, together with a chief police officer, to be styled "Marshal of Dadeville," shall be elected by the qualified voters of said incorporation, and shall hold office for the term of two years from the time of their election, or until their successors are elected and qualified; that at such election the person receiving the highest number of legal votes for mayor, shall be elected mayor, and the five persons receiving the highest number of legal votes for common councilmen, shall be elected councilmen, and the person receiving the highest number of legal votes for the office of marshal, shall be elected marshal; and every citizen who has been a *bona fide* resident within the limits of said incorporation for thirty days next preceding the election at which he proposes to vote, and who would be a legal voter at an election for members of the general assembly of Alabama will be a legal voter at such election. But each of the above named officers, at the time of their election, must be *bona fide* resident citizens within the limits of said incorporation and must have so resided for the space of three months next preceding such election, and each of said officers, before entering upon the duties of his office, must take and subscribe the oath of office as required of civil officers of this state, and must reside within the limits of said incorporation during the time he continues in office.

Government  
of town;  
election of  
officers

SEC. 2. *Be it further enacted*, That section four (4) of said act be and the same is hereby amended so as to read as follows: Section four (4). Be it further enacted, That the election for mayor, common councilmen and marshal shall be held on the third (3rd) Saturday in March, 1891, and at the same time every succeeding two years thereafter, and at such place within said incorporation as may be designated by the authority of the common council of Dadeville; *Provided*, that the person elected to the office of marshal, at said election

Elections  
semi-annually

on the 3rd Saturday in March, 1891, shall not enter upon the duties of said office nor perform any of the functions thereof until Thursday after the first Monday in June, 1891, and that his term of office shall expire upon the qualification of his successor, to be elected on 3rd Saturday in March, 1893; *And provided further*, that Augustus M. Hancock, the present marshal of said incorporation, be and he is hereby constituted marshal of Dadeville until the expiration of the 4th day of June, 1891.

SEC. 3. *Be it further enacted*, That section 7 of said act be so amended as to read as follows: Section 7. Be it further enacted, That the said "The Common Council of Dadeville," be and the same is hereby invested with full power and authority to levy and collect an ad valorem tax, not to exceed one-half of one per cent. per annum, upon all real estate, personal property, money and choses in action within the said incorporation, and not exempt from state and county taxes, in such mode and manner as the said incorporation may direct by ordinance or otherwise; and to enforce the collection of said tax, the said incorporation is hereby empowered to provide, by its ordinances, for the sale and conveyance of property for the non-payment of any tax assessed thereon, and at such sale the said incorporation may become purchaser to the extent of the unpaid tax and cost, and may sell and convey its interest so acquired; and the said incorporation shall have full power and authority to appropriate from its general revenue fund for the use and benefit of the schools within its corporate limits such sums of money as the mayor and a majority of the common councilmen may, from time to time, deem advisable; but nothing herein contained shall be so construed as to prohibit the common council from giving specific directions to the application of all such appropriations.

May levy tax

Appropriations for schools

License tax

And the said incorporation shall also have power to grant license to wholesale and retail dealers in spirituous, vinous and malt liquors, to regulate the sale thereof, and to restrain the same when deemed a nuisance; to license and regulate the sale and disposition of fresh meats, fowls, vegetables and fruits in the open market; to license auctioneers, peddlers, shows, museums, and

theatrical amusements; and, in general, said incorporation may require the payment of such license tax upon any other business, occupation or profession for the doing of which the State of Alabama requires a license, and the said license tax herein authorized may be collected by restraint and sale of goods at any time; and the said common council shall ordain and pass all such ordinances, by-laws, resolutions, and make all such regulations as may be deemed necessary and proper for the good government of said incorporation, which may extend to the preservation of health; to remove and prevent nuisances; to prohibit and restrain every species of gambling, drunkenness, profane language, assaults and batteries, vagrancy, adultery, fornication, and all other misdemeanors punishable under the criminal laws of Alabama; to appoint a suitable number of policemen and night-watchers, when necessary; to open, widen, change, clean and keep in repair all streets and sidewalks within said incorporation, and to prohibit trespasses upon the same. And if from any cause a vacancy occurs upon the common council, or in the office of mayor, or in the office of marshal, the said common council shall fill the same by appointment, and such appointee shall hold office until the next ensuing election.

By-laws, or-  
dinances, etc

Appointed  
officers

Vacancies

SEC. 4. *Be it further enacted*, That section 8 of said act be and the same is hereby amended so as to read as follows: Section 8. *Be it further enacted*, That the mayor shall preside at all meetings of the said common council (but in his absence a member of said common council may preside), whose duty it shall be to maintain order at such meetings, to put questions and announce the result; and the said mayor is hereby invested with all the powers of a justice of the peace in criminal cases, as to all offenses committed within the said corporate limits, and he shall try any and all violators and offenders of any ordinances or by-laws adopted and in force within said incorporation in accordance with this charter, and pass judgment thereupon, and enforce the same by the imposition of a fine in each case not less than two dollars, nor more than twenty-five dollars, and imprisonment in the calaboose for not more than three days;

Duties and  
powers of  
mayor

or he may, in any case, impose hard labor for the use of said incorporation for a period of not more than one hundred days, to be performed within or without the limits of said incorporation as the common council may prescribe in such cases, and in any event the said mayor may impose one or more of the said modes of punishment as in his discretion he may deem proper; and he shall also tax against each defendant, adjudged guilty before him, all cost incurred in such proceeding which shall be the same as may be allowed by law in criminal cases to justice of the peace and constables in this state, and such costs when collected shall be paid into the treasury of the common council. And the said common council shall provide for the mayor a salary of not less than five dollars per month, which shall not be increased nor diminished during the term for which he may have been elected.

SEC. 5. *Be it further enacted*, That section 11 of of said act be so amended as to read as follows: Section 11. Be it further enacted, That nothing herein contained shall be so construed as to allow said incorporation to hold and own property exceeding in value ten thousand dollars.

SEC. 6. *Be it further enacted*, That section 12 of said act be so amended as to read as follows: Section 12. Be it further enacted, That the marshal of Dadeville shall be authorized and have power to make arrests of any person or persons violating any ordinance or by-law of said corporation either with or without a warrant, and may call to his assistance any bystanders, person or persons to aid him, and upon refusal such person or persons shall be guilty of a contempt, and upon conviction thereof may be fined by the mayor in a sum not exceeding twenty-five dollars, and be imprisoned in the calaboose not exceeding three days, one or both, or may be sentenced to hard labor; and any policeman or night watch, when on duty, may exercise the same powers as a marshal under this section, and the said marshal and policemen and night watches shall perform all other duties imposed upon them by the said "The Common Council of Dadeville" or by any of its ordinances and the said marshal shall be ex-officio constable within the corporate limits subject to all



pains and penalties of a constable of this state, and as such may execute civil and criminal process and for his services as such shall be entitled to the same fees as are allowed by the laws of this state to constables for like services, but all fees that may arise under violations of any of the ordinances of said incorporation or that may accrue to him by virtue of his office as marshal, (which shall also be the same as are allowed to constables of this state for similar duties) shall be taxed by the mayor as costs collected and paid into the treasury of the common council as provided by section 4 of this act, but the said common council shall provide for and pay to the said marshal a salary of not less than thirty dollars per month, and they may provide compensation for special policemen and night watches when deemed necessary; and the said marshal, policemen and night watches for failure to discharge or perform any duties imposed upon them by said incorporation, or by any of the ordinances thereof, may be fined by the mayor for any such offense in a sum not exceeding twenty-five dollars, which may be deducted out of the salary of the official so offending, and in the absence of the marshal or in cases of emergency, the mayor may appoint a special marshal and such special policemen as, in his judgment, the occasion may require, whose acts shall be, in all respects, legal and binding; *And it is hereby further provided*, that the marshal of Dadeville, for a failure or for a refusal to perform any act or duty enjoined upon him by the ordinances of such incorporation, the said The Common Council of Dadeville, by a majority vote, may remove him from office, and appoint some other suitable person to perform the duties thereof until the next ensuing election.

SEC. 7. *Be it further enacted*, That section 13 of said act be so amended as to read as follows: Section 13. *Be it further enacted*, That the streets now opened, or that may hereafter be opened, together with all the public highways within said incorporation shall be under the supervision of said incorporation, and each and every male person residing within its limits over eighteen years of age and under fifty years of age, not otherwise exempt from road duty in this state, shall be

Work on  
streets

subject to work on the streets and highways within said incorporation for a period not exceeding ten days in any one year; but any person so desiring, may be released therefrom by paying to the incorporation the sum of five dollars in lieu of such duty for one year; *Provided*, that such exemption shall not extend beyond the third (3rd) Saturday in March in any year, and that said common council may further regulate said payments in lieu of street duty and exemptions on account thereof, as in its discretion, it may deem proper; but nothing herein contained shall authorize said incorporation to open any new street through private property without making the owner thereof just compensation therefor.

Laws in conflict repealed SEC. 8. *Be it further enacted*, That all laws and parts of laws now in force and inconsistent with this act be, and the same are hereby repealed.  
Approved February 18, 1891.

575]

## AN ACT

[s. 462

For the better protection of the capitol and grounds  
and for the preservation of order therein.

Watchmen  
at capitol  
has powers  
of sheriff

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the watchmen at the capitol, appointed pursuant of law, be and they are hereby each invested with all the powers, rights and privileges of sheriffs under the laws of this state in criminal matters, as far as may be necessary of the making of arrests and the preservation of order in the capitol and grounds.

Unlawful to  
fire cannon  
on capitol  
grounds

SEC. 2. *Be it further enacted*, That it shall be unlawful to fire any salute or discharge any cannon in the capitol grounds without the permission of the governor; and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than two hundred nor more than five hundred dollars.

City ordi-  
nances

SEC. 3. *Be it further enacted*, That the city council of Montgomery may, with the approval of the governor, pass such ordinances as may be necessary for the pro-

tection of the grass, trees and other public property on the capitol grounds ; but no ordinance or by-law of the city council of Montgomery shall be operative within the capitol building or grounds without the consent of the governor.

Approved February 18th, 1891.

576]

AN ACT

[s. 358

To empower William C. Ward, as the administrator of the estate of John B. Boddie, deceased, to sell the property of said estate without order of court, and to borrow money by mortgaging the property of said estate to pay debts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That William C. Ward, as the administrator of the estate of John B. Boddie, deceased, late of Jefferson county, State of Alabama, be and he is hereby empowered, without order of court, to sell the real and personal property belonging to said estate at public or private sale, and by proper instrument in writing, to convey the same to the purchaser ; but he shall report all sales so made to the court having jurisdiction of the administration of said estate.

Authority to  
sell property  
of estate

SEC. 2. *Be it further enacted*, That said administrator be and he is hereby empowered to borrow money to pay the debts of said estate, and to secure the payment of the money so borrowed by executing mortgages of the property of said estate to the lender.

May borrow  
money, etc

Approved February 18, 1891.

577]

AN ACT

[s. 115

To declare the town of Jacksonville, Calhoun county, Alabama, a watering place within the meaning of section 4053 of the code of 1886.

SECTION 1. *Be it enacted by the General Assembly*

Watering  
place

*of Alabama*, That the town of Jacksonville, in Calhoun county, Alabama, be and the same is hereby declared to be a watering place, within the meaning of the code of 1886.

Approved February 18, 1891.

578]

AN ACT

[s. 110

To amend section 19 and 20 of the code of 1886.

Sites for  
forts, etc. of  
the United  
States

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 19 and 20 of the code of 1886, be amended so as to read as follows, to-wit: 19. (19.) The United States may acquire lands—The United States may acquire and hold lands within the limits of this state as sites for forts, magazines, arsenals, dockyards and other needful buildings, or either of them, as contemplated and provided by the constitution of the United States, which purchase may be by contract with the owners, or as hereinafter provided for. In a similar manner the United States may furthermore acquire and hold lands, rights-of-way, and material needed in maintaining, operating or prosecuting works for the improvement of rivers and harbors within this state. 20. (20.) Value of the land—How determined.—If the agent of the United States and the owner of such lands or right-of-way cannot agree as to the sale and purchase thereof, the probate court of the county in which the lands lie may, on the application of such agent, ascertain the value of such lands or rights-of-way, and decree a conveyance thereof, as follows: 1. Reasonable notice of such application must be given to the owners of such lands by personal service. 2. The value of such lands or rights-of-way must be ascertained by a jury summoned for that purpose, under the direction of the probate judge, or by any three persons agreed on by the parties, which jury or persons must be sworn by the probate judge faithfully and impartially to determine such value. 3. Upon ascertaining the value of such lands or rights-of-way upon evidence or inspection of the same, or

Acquiring  
land, rights-  
of-way, etc.  
by United  
states

both, by such persons appointed, or by the jury, under the direction of the probate judge, he must, on the payment of such value to the owner, or into court, for his use, and the payment of all costs and expenses of the proceedings, direct a conveyance of such lands by a certain time specified in such decree, to the United States, for such purposes, and on failure to execute such conveyance within the time specified in such decree, the decree operates as a conveyance.

Approved February 18, 1891.

579]

AN ACT

[s. 252

To authorize justices of the peace, and notaries public with ex-officio powers as justices of the peace, in beats 16, 17 and 22, Jefferson county, to exercise exclusive jurisdiction in said beats.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That justices of the peace, and notaries public with ex-officio powers of justices of the peace, in precincts 16, 17 and 22 in Jefferson county, Alabama, shall have and exercise exclusive jurisdiction in all cases within the jurisdiction of justices of the peace originating or arising within said precinct.

Exclusive jurisdiction in precinct

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this be and the same are hereby repealed.

Laws in conflict repealed

Approved February 18, 1891.

580]

AN ACT

[s. 461

To ratify the consolidation of the Mobile and Mississippi River Railroad Company, with the Mississippi River and Mexican Gulf Railroad Company, under the name of the Mobile, Wesson and Mississippi River Railroad Company.

*Whereas*, The Mobile and Mississippi River Railroad Company, a corporation organized under the general in-

Preamble

corporation laws of the State of Alabama, and the Mississippi River and Mexican Gulf Railroad Company, organized under a charter granted by the State of Mississippi, were consolidated under the laws of Alabama by the agreement of the stockholders of the two companies, under the name of the Mobile, Wesson and Mississippi River Railroad Company; and

*Whereas*, The directors of the consolidated company desire to secure some official recognition of the legal status of said company by the general assembly of Alabama, and to secure further franchises.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the consolidation of the two railroads, one organized under the general incorporation laws of the State of Alabama, under the name of the Mobile and Mississippi River Railroad Company, and the other pursuant to a charter granted by the legislature of the State of Mississippi, under the name of the Mississippi River and Mexican Gulf Railroad Company, is ratified and confirmed, and all rights, property and franchises owned by each of said companies before consolidation are declared to be vested in the consolidated company, to-wit: Mobile, Wesson and Mississippi River Railroad company.

SEC. 2. *Be it further enacted*, That Luther R. Sexton, E. A. Rowan, William Oliver, Nathan Dale, William Moore, J. Mc. C. Martin, J. H. Gordon, Herbert A. Camp, J. Colin Moore, F. A. Luling, Lewis Stein, H. R. Creighton and H. Austill, and their associates be and are hereby constituted a body politic, and corporate, by the name of the Mobile, Wesson and Mississippi River Railroad Company, and by that name may sue and be sued, may make and change a corporate seal, may make rules, regulations and by-laws for the government of said corporation, not contrary to the laws of Alabama, and may acquire and hold real and personal property for the use and purposes of said corporation, by gift, donation or purchase.

SEC. 3. *Be it further enacted*, That said company is hereby authorized to survey, locate and construct, and operate a railroad from the city of Mobile in a north-westwardly direction through this state, and through Mississippi under franchises granted in that state, and



to carry persons and property for hire under the laws of the two states.

SEC. 4. *Be it further enacted*, That said company is authorized to build a branch road from the city of Mobile to any point on the bay of Mobile or Gulf of Mexico, and to build bridges, wharves, or piers to reach deep water in said bay or gulf, and may construct fenders or breakwaters for safety of ships at such wharves or piers.

SEC. 5. *Be it further enacted*, That for the purpose of constructing said railroad and branches, said company is authorized to lay out the same one hundred and fifty feet wide across the lands of the State of Alabama, and to acquire a strip of land of same width from private parties by donation, purchase or condemnation. And for the purpose of depots, shops, stations, wharves and warehouses may acquire or condemn as much more land as the necessities of said company may, from time to time, require.

SEC. 6. *Be it further enacted*, That whenever the location of the company may require, the said railroad may acquire or condemn a right-of-way across or along the right-of-way of any other railroad for a consecutive distance of not exceeding ten miles.

SEC. 7. *Be it further enacted*, That the capital stock of said company shall be five millions of dollars, divided into shares of one hundred dollars each, shall be deemed personal property, and may be transferred in such manner and such places as the by-laws of said company may direct. The stock of said company may be paid for with money, labor or material.

SEC. 8. *Be it further enacted*, That said company may purchase, lease and operate lines of steamships to run to and from the terminus of said road to other parts, within or without the United States, for transporting passengers and freight from and to the said road.

SEC. 9. *Be it further enacted*, That the corporate power of said company shall be vested in a board of directors of not less than seven or more than eleven, to be elected annually at such time and place as the by laws may fix, who shall hold office until their successors are elected and qualified. The directors shall

elect a president and such other officers as the company may require, and may fix bonds and salaries. Said board of directors shall have power to require the subscribers to stock of said company to pay their subscriptions in such installments and such times as they may deem proper, and may adopt such rule for the sale of stock of delinquents as will be just and equitable.

SEC. 10. *Be it further enacted*, That this company may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds, or other evidence of debt, and by vote of a majority of its stock, had at a meeting called for the purpose, by advertisement in a newspaper published in Mobile, Alabama, and Wesson, Mississippi, for thirty days, may secure the payment of its evidencies of debt, by mortgage or deed of trust on its franchises and all of its property.

Telegraph

SEC. 11. *Be it further enacted*, That said company may construct and operate telegraph lines along its right-of-way for its own use and for public business, but such right shall not exclude any other telegraph company.

May purchase other roads, etc

SEC. 12. *Be it further enacted*, That said company may purchase or lease the road-bed or right-of-way of any other railroad, or any part of any other railroad whose line may be built or located in whole or in part along the line of its proposed route or any of its branches, and may pay for such purchases with money or stock as the companies may agree upon; or said company for the purpose of making through lines may consolidate with or make common stock with other roads.

Approved February 18, 1891.

581]

AN ACT

[s. 264

To amend section 4631 of the code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4631 of the code be amended so as to read as follows: 4631. *Testimony for state in*

*criminal cases* :—The presiding judge of any circuit or city court, having reason to believe that the testimony of any convict serving a sentence in the penitentiary, or to hard labor for the county, is necessary in any criminal prosecution by the state, and that other evidence cannot be obtained on behalf of the state, may order a writ to be issued by the clerk commanding the president of the board of inspectors to have the convict before the court, on a specified day, to give testimony in the particular case for the state, and the president must have the convict before the court on a specified day, according to the mandate of the writ, employing a trustworthy deputy with a sufficient guard to convey such convict to the court, and after he has testified the convict must be forthwith returned to the custody from whence he was brought; *Provided*, that the notice must be served upon the president of the board of inspectors at least one week before the day appointed to have the witness in court.

Testimony of  
convicts in  
criminal  
cases

Approved February 18, 1891.

582]

AN ACT

[s. 92

An act to amend 4571 (4546) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4571 (4546) of the code of Alabama be amended so as to read as follows: *Report of Inspectors to Governor*.—The board of inspectors must at least sixty days before the commencement of each session of the general assembly, make to the governor a report of the convict system during the two years ending the 31st day of August preceding such session. The report shall show the number of convicts, the offenses for which they were convicted, the number from each county, the number sentenced for life, and for different periods, the ages, race and sex; the names of all who have died, with the place and date of death, and the cause of death; the names of all who have escaped, with the date and place of escape, and the names of those recaptured and the dates; the number leased to

Bi-ennial re-  
port to gov-  
ernor

each contractor, the residence of the contractor, when the contract expires and in what labor they are engaged; what moral and religious instructions the convicts have received; and such other information and suggestions as the inspectors think proper.

Approved February 18, 1891.

583]

AN ACT.

[s. 161

To amend section one of an act entitled an act to establish a new charter for the town of Evergreen in Conecuh county, approved February 5, 1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Evergreen in the county of Conecuh, State of Alabama, shall be and continue incorporated, and the corporate limits of said town shall be one and a half miles square, to be laid off and surveyed as follows: Begin at the centre of the court house square and run three-fourths of a mile due east, thence three-fourths of a mile due south, thence west one and one half miles, thence east one and a half miles, thence south three-fourths of a mile, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of "the town of Evergreen," under and by which name and style the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property to the amount of twenty thousand dollars, and do all acts incident to bodies corporate; and it is hereby made the duty of the mayor and council of Evergreen to have the limits of said town surveyed and marked out within thirty days after the passage of this act, by a competent civil engineer or surveyor.

Approved February 18, 1891.

584]

## AN ACT

[H. 598]

To prevent hunting on land without written consent of owner or his agent, in Dallas, Madison, Autauga, Macon, Sumter, Talladega, Bullock, and Oak Grove, Perryville and Radfordville beats of Perry county, and beat No. nine in Hale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to hunt, shoot, chase with dogs, game of any kind or description on the lands of another, without the consent in writing of the owner of the land, or the written consent of the duly authorized agent, and any person so hunting without such written consent shall be guilty of a misdemeanor and must on conviction be fined not less than ten nor more than fifty dollars; *Provided*, that no prosecution shall be commenced under this act unless it be by the owner of the land trespassed upon or his duly authorized agent; *Provided*, that the provisions of this act shall apply only to the counties of Dallas, Madison, Autauga, Sumter, Macon, Talladega, Bullock, and Oak Grove, Perryville and Radfordville beats in Perry county and beat No. nine of Hale county.

Unlawful to  
hunt on  
lands of  
another

Approved February 18, 1891.

585]

## AN ACT

[H. 872]

To amend section 1 of an act approved February 12th, 1879, entitled an act to establish "The Warrior Agricultural District," to provide for the security of the same and the management of its affairs.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act entitled "an act to establish The Warrior Agricultural District, to provide for the security of the same and the management of its affairs," approved February 12th, 1879, be, and the same is hereby amended so as to read as follows: That from and after the passage of this act there shall

Stock law  
districts

Stock law  
district

be established in the county of Tuscaloosa a district to be called The Warrior Agricultural District, to be bounded as follows, to-wit: Starting from the Black Warrior river on the section line running south between sections 20 and 21, thence south on said section line and on the dividing line between sections 28 and 29 to the southeast corner of section 29, thence east along the dividing line between sections 28 and 33 to the northeast corner of section 33, thence south with the dividing line between sections 33 and 34 to the township line on the east and south side of the Alabama Great Southern railroad track, thence along the east side of said railroad to the 204 mile, thence east along the line between the lands of Houston Hayes and Robert Spiller and along the line between the lands of Robert Spiller and Benjamin Rosser to the Greensboro road, thence south along the west side of said Greensboro road to the Hale county line, thence west along said county line to the Warrior river, thence along said river to the point of beginning; *Provided*, that the land owners within the new extension of The Warrior Agricultural District shall build a good and lawful fence from a point whence the said boundary line strikes the Greensboro road along the west side of said road to the said Hale county line, and shall keep the said fence so built in good repair without aid from or expense to the old or former Warrior Agricultural District; *And provided further*, that no fence shall be required on that part of said boundary which runs along the county line.

Approved February 18, 1891.

586]

AN ACT

[H. 607

To amend section 521 of the code, so far as the same relates to Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 521 of the code of Alabama, so far as the same relates to Jefferson county, be amended so as to read as follows: Section 521.



*Judge of probate to furnish abstract book to collector.*—After the book of assessment has been completed as above provided, the judge of probate must enter in a book in a concise form, the amount of taxes assessed against each tax payer, showing separately the amount of taxes on real estate and personal property, and other subjects of taxation, and the fees of the assessor and collector, and such book he must turn over to the tax collector on or before the day on which the taxes become due and payable; and for the services rendered by him in the preparation of such book, he shall receive such reasonable compensation as the court of county commissioners may allow him.

Reasonable compensation to probate judge

Approved February 18, 1891.

587]

AN ACT

[H. 743

To confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and the change of the name of said club to "The Alabama Club," and to enlarge the powers and capacities of said club.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the incorporation of the Shakespeare Club of Birmingham, Alabama, had under the general statutes of the State of Alabama, and the change of the name of said club to that of the Alabama Club, be and the same are hereby confirmed and that the name of said corporation shall be and continue the Alabama Club, and by that name it may sue and be sued, and enjoy all the rights and privileges and franchises and exercise all the powers conferred by the general statutes under which said club was originally incorporated, and by this act and by general laws relating to corporations of like kind, and all acts done by the said club under its said name of the Alabama Club, so far as the same were otherwise authorized by law, be and the same are hereby also confirmed.

Name, rights etc

SEC. 2. *Be it further enacted,* That said club shall have full power and authority to adopt such constitution and by-laws, not inconsistent with law, as may be

Constitution and by-laws

necessary or proper to the selection of officers or agents and their terms of office, the number, reception and expulsion or suspension of members, the regulation of fees and dues and the collection thereof and generally to the government of the club and the management of its business, and to amend or change the same ; *Provided however*, that the constitution, by-laws and regulations of said club now of force shall continue of force until the same are repealed, altered or amended.

## Powers

SEC. 3. *Be it further enacted*, That said club shall have power and authority, in addition to those already conferred upon it, to lease or purchase such real estate and buildings, and to erect such buildings as may be necessary or proper for its own use ; to acquire and hold such personal property as said club may see proper to acquire and hold ; to operate or contract for a restaurant to be operated ; to provide for and dispose of to its members, cigars, cigarettes, tobacco, spirituous, vinous and malt liquors, and such disposition shall not constitute a sale thereof, but shall be held and treated as a consumption by such members of their own property ; to acquire and operate for the exclusive use of the members, billiard and pool tables and gymnasiums ; and the rooms and apartments of said club shall be the private apartments of its members, and shall not for any purpose be held or treated as a public place ; and to borrow money, and to secure the same by bonds and mortgages ; *Provided however*, that no indebtedness shall be created other than for current expenses except by consent of two-thirds of the members of the club given at a regular meeting, or at a meeting called for that purpose, of which meeting and of the time and place for holding the same, and of the purpose for which the same is called, thirty days notice must be given to each member who is at the time in the city of Birmingham, and whose place of residence is known.

## Bonds

SEC. 4. *Be it further enacted*, That said club shall have the power to ratify and confirm the issue of any bonds or other indebtedness heretofore made or contracted by said club at any regular meeting heretofore convened, or at any special meeting called for that purpose, but if it be at a special meeting, thirty days notice of such meeting and of the time and place of

holding the same, and of the purpose for which it is called, shall be posted in the reading room of the club, and shall also be sent by mail to, or served personally upon, each member who is in the city of Birmingham, and whose residence is known. At such meeting whether regular or special, if a majority of the members present shall vote for a ratification of such issue of bonds or such other indebtedness, the same shall be then binding upon the club as fully as if said club had originally the power to issue such bonds or contract such indebtedness.

SEC. 5. *Be it further enacted*, That the term member, as used in this act, when used in respect to the power or authority of the club to borrow money and execute bonds and mortgages, and to ratify any issue of bonds or other indebtedness heretofore made or incurred, shall not be construed to mean honorary or non-resident members, and the club shall have authority to prescribe the powers, rights and privileges of all honorary or non-resident members.

Approved February 18, 1891.

588]

AN ACT

[H. 790

To authorize and direct the auditor to correct an error in the assessment for taxation for the year 1890, of the rolling stock of the Nashville, Florence and Sheffield Railroad Company.

*Whereas*, In the assessment for taxation for the year 1890, of the rolling stock of the Nashville, Florence and Sheffield Railroad Company, an error was committed, in that said assessment was upon the entire value of the rolling stock of said company, for the total length of said railroad, to-wit: Ninety-one and thirty-three one hundredths miles, when such assessment should have been upon the amount ascertained by apportioning said entire value, according to the number of miles of said railroad in this state, to-wit: seventeen and twelve one hundredths miles, therefore.

Preamble

Auditor to  
make cor-  
rection

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the auditor be, and is hereby authorized and directed to correct said assessment in the manner above indicated, and to notify the tax collector of Lauderdale county of such correction, and the proportionate value of said rolling stock subject to taxation in this state, and in said county of Lauderdale, for said year; and said tax collector shall collect of said railroad company the proper amount of state and county taxes according to such corrected assessment; and for the over assessment, said tax collector shall receive all proper credits as an error in assessment. No commissions shall be paid the tax assessor or tax collector on the amount of such over assessment.

Approved February 18, 1891.

589]

AN ACT

[H. 61

To regulate the election of municipal officers in the city of Montgomery.

Election of  
municipal  
officers

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the mayor, aldermen, clerk of the city council of Montgomery, shall be elected by the qualified voters of said city on the first Tuesday in May, 1891, and on said Tuesday in May biennially thereafter; the term of office of the said officers so elected on the first Tuesday in May, 1891, shall commence as soon as they are duly elected and qualified, and shall continue for the period of two years, or until their successors are duly elected and qualified; *Provided,* that this act shall not affect the term of office of those aldermen who have been elected for the term of four years at the last municipal election, until the expiration of their respective terms.

Laws in con-  
flict repealed

SEC 2. *Be it further enacted,* That all laws regulating the election of municipal officers in the city of Montgomery, and the term of office of said officers in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 18, 1891.

590]

AN ACT

[H. 1093

To require the commissioners court of roads and revenues for the county of Chambers to cause road overseers in said county to have loose stones removed from the roads of said county so far as the same may be practicable.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of roads and revenue for the county of Chambers are hereby authorized and required, to cause road overseers in said county to have loose stones to be removed from the road bed of the public roads in said county, so far as in their judgment the same may be practicable. Duty of road overseers

SEC. 2. *Be it further enacted,* That any overseers in said county refusing to comply with section one of this act, is hereby declared to be a road defaulter, and shall be subject to the laws now in force against defaulting road overseers.

Approved February 18th, 1891.

591]

AN ACT

[H. 582

To prevent camp hunting in Blount County, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons, to camp hunt with gun or guns and dogs in Blount county, Alabama, either by camping out in the forest or mountains, staying in a house, or by lodging with a citizen or settler of nights while engaged in hunting. Camp-hunting unlawful

SEC. 2. *Be it further enacted,* That any person violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than two hundred dollars. Penalty

Approved February 18th, 1891.

To authorize the mayor and councilmen of Troy to erect and maintain a system of electric lights, and issue bonds in payment thereof in an amount not exceeding \$20,000—twenty thousand dollars.

Electric lights SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and councilmen of Troy, in Pike county, be and they are hereby authorized to erect and maintain, or otherwise provide, a system of electric lights for the use of said city and the inhabitants thereof, and charge, collect, or pay rental or tolls therefor at such rates as may be fixed or agreed upon by said mayor and councilmen, or agent, or commissions duly appointed by them for that purpose.

Bonds SEC. 2. *Be it further enacted*, That the said mayor and councilmen of Troy are hereby authorized to issue and negotiate bonds of said city, to be known as "City of Troy Electric Light Bonds," to an amount not exceeding \$20,000, or so much thereof as they may deem necessary, in sums of \$1,000.00 each, payable at such time and place as they may designate, but not extending longer than twenty years from the date of issuance, for the purpose of erecting and completing said system of electric lights. Said bonds shall have coupons attached, bearing interest at the rate of 6% per annum, and payable semi-annually to bearer.

Sale of bonds \* SEC. 3. *Be it further enacted*, That the mayor and councilmen of Troy are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; but said bonds shall not be sold for less than par—one hundred cents on the dollar—less cost of issuing and negotiating same, and the proceeds of said bonds shall be paid over to the city treasurer, and to be used and applied to the purposes of erecting and completing a system of electric lights for said city, said payment and application of said proceeds to be under the direction and by authority of said board of mayor and councilmen, and the said treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds which may come into his hands, the same as other city funds.

Application of proceeds



SEC. 4. *Be it further enacted*, That it shall be unlawful for said board of mayor and councilmen, or any members thereof, or any officer of said city, to apply the proceeds of the sale of any of the bonds issued by authority of this act, to any other purpose than that herein named.

SEC. 5. *Be it further enacted*, That for the better securing the payment of said bonds and interest, the said mayor and councilmen are hereby authorized, if they think it expedient, to execute to trustees, or in such manner and form as may be deemed best for the city, a mortgage upon the real estate, franchise, engines, dynamos, and, in fact, all property, whether real or personal, acquired by the proceeds of sale of said bonds, together with all privileges and grants necessary to properly conduct or carry on such business as established, and said mortgage may be signed and executed by the mayor in such manner as the said board of mayor and councilmen may direct. Mortgage,  
etc

SEC. 6. *Be it further enacted*, That the said mayor and councilmen of Troy are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or by any agents duly authorized by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds or coupons shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial papers. Authority of  
mayor and  
council

Approved February 18, 1891.

593]

AN ACT

[H. 987

To amend section 3878 of the code, as far as the same relates to Cherokee and Etowah counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3878 of the code be so amended as to read as follows: Any one of several

Stock in inclosure, etc

parties occupying or cultivating land under a common fence, who turns stock of any kind into such inclosure, or knowingly suffers such stock to go at large therein, without a sufficient guard to prevent injury to crops or land, must, on conviction, be fined not less than ten nor more than fifty dollars, and also the amount of the damages inflicted by the stock, which damages shall be held as a part of the penalty imposed by the court, and shall go to the party injured; *Provided*, that the provisions of this act shall apply to the counties of Cherokee and Etowah only.

Approved February 18, 1891.

594]

AN ACT

[H. 821

To repeal section 1 of an act entitled an act to prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors within five miles of Village Springs Academy, Elount county, and other places therein named, and known as the "Omnibus bill," approved December 10th, 1888, as far as the same relates to the town of Guin, in Marion county.

Repeal of prohibition SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, approved December 10th, 1888, be and the same is hereby repealed, so far as the same relates to the town of Guin, in Marion county.

Approved February 18, 1891.

595]

AN ACT

[H. 767

To amend an act to authorize the commissioners court of Perry to establish or abolish districts in said county in which stock may be prevented from running at large, approved February 15th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to authorize the commissioners court of Perry county to establish or abolish districts in said county in which stock may be prevented from running at large, be and the same is hereby amended so as to read as follows, to-wit: Section 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Perry county may establish or abolish districts in said county in which stock shall not be permitted to run at large, or it may abolish such districts in whole or in part, heretofore or hereafter established; *Provided*, that the boundary line of any proposed district shall not run on more than two sides of any one freeholder (said lands composing one body), and that the evidence of all liners on the outside of such districts shall be heard and admitted by said commissioners court.

Stock law  
districts

Approved February 18, 1891.

596]

AN ACT

[H. 954

To establish the legal weights of agricultural products in this state.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the legal weights per bushel of the following articles or commodities shall be as follows, viz.: Wheat, 60 lbs; shelled corn, 56 lbs; corn in the ear, 70 lbs; corn in shuck, 75 lbs; peas, 60 lbs; rye, 56 lbs; oats, 32 lbs; barley, 47 lbs; Irish potatoes, 60 lbs; sweet potatoes, 55 lbs; beans, 60 lbs; dried peaches, unpeeled, 33 lbs; peeled, 38 lbs; dried apples, 24 lbs; turnips, 55 lbs; meal, 46 lbs; unbolted meal, 48 lbs.

Legal  
weights per  
bushel

Approved February 18, 1891.

597]

AN ACT

[H. 765]

To declare the Montgomery Shooting Club a social club within the meaning of section 4053 of the code of Alabama.

Social club

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Montgomery Shooting Club be and the same is hereby made and declared a social club within the meaning of section 4053 of the code of Alabama.

Approved February 18, 1891.

598]

AN ACT

[H. 672]

To incorporate the Alabama Military Institute at Tuskegee, Macon county, Alabama.

Incorporator

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That W. D. Fonville, of Tuskegee, Alabama, be and he is hereby created a corporation, sole and body politic, with the power of succession to continue for the period of twenty-five years, and that the successors of the said W. D. Fonville shall have all the corporate powers and privileges herein conferred upon him.

Name, rights  
and powers

\* SEC. 2. *Be it further enacted*, That the name of said corporation shall be "The Alabama Military Institute" and its domicil and place of business shall be at Tuskegee, Alabama, and that the said incorporator and his successors shall have power, under and by said corporate name, to organize, maintain and carry on a school or institution of learning of the first-class, and high grade for the education of males of the white race, and by the name and style of the Alabama Military Institute, shall have full power and authority to sue and be sued, to plead and be impleaded in all kinds of actions in law or equity; to have a common seal, with such device or devices as said incorporator may deem best, and the same to break, alter or renew at pleasure; to receive donations, devises and bequests; and to ac-

quire property, real and personal, the same to have and to hold for the purpose and benefit of said institution, and to sell, alien and dispose of such property for such purposes and benefits, and also to borrow money and raise funds for the benefit and purposes of said institution, and to secure all indebtedness by mortgage on said property, and to do and perform all other acts which are or may be necessary and proper in carrying out the purposes of said school.

SEC. 3. *Be it further enacted*, That the said W. D. Fonville is hereby empowered to employ and organize a regular faculty of teachers in said school, and to maintain the same; and the incorporator or his successor is hereby made the superintendent of said school, and chairman of its faculty, and no literary degree shall be conferred, nor any diploma granted as hereinafter provided, without the consent of a majority of said faculty as constituted at the time said degree shall be conferred, or said diploma shall be granted.

Faculty, degrees and diplomas

SEC. 4. *Be it further enacted*, That said faculty so organized and constituted shall have full power and authority to pass and adopt all such by-laws, rules and regulations as they may deem expedient for their own proceedings and for the good government of said institution and the students thereof; *Provided*, that the same shall not be repugnant to the constitution and laws of this state or of the United States.

By-laws, rules, etc

SEC. 5. *Be it further enacted*, That the head of the institution shall be styled the Superintendent, and the instructors the Professors thereof; and, to the end that the said Alabama Military Institute shall be an institution of learning of high grade, and of the first-class, no one but a professional educator of known ability and successful experience shall be eligible to the office of superintendent thereof, or as successor to the said incorporator, W. D. Fonville.

Superintendent, etc

SEC. 6. *Be it further enacted*, That the superintendent of said institution shall have full power, a majority of the faculty agreeing thereto, to grant or confer such degree or degrees in the arts and sciences to any of the students, or any person deemed by them worthy, as are usually granted and conferred by colleges or universities in the United States; and to give

Degrees, diplomas, and certificates

diplomas and certificates thereof signed by the superintendent of the institution and the secretary of the faculty, and sealed with the common seal of the institution to authenticate and perpetuate the memory of such graduation, and of the granting and conferring of such degree.

SEC. 7. *Be it further enacted*, That a majority of said faculty shall constitute a quorum for the transaction of business; that said faculty shall elect or appoint a secretary and all such other officers as they may deem necessary, and shall have full power and authority to do all things necessary and proper to be done to carry the objects and purposes of this act into full and complete effect.

SEC. 8. *Be it further enacted*, That so long as the property, real and personal, of said corporation shall be used for educational purposes, the same shall be exempt from taxation of every kind.

SEC. 9. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 18, 1891.

599

AN ACT

[H. 359]

To amend section 5 of an act entitled an act to regulate the holding of the circuit court of Henry county, approved February 17th, 1885.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 5 of an act entitled an act to regulate the holding of the circuit court of Henry county, approved February 17, 1885, be amended so as to read as follows: Section 5, That whenever from any cause a civil or criminal cause pending in said court at Abbeville, shall not be tried at Abbeville during the first week of any term the presiding judge may, at his discretion, set over said cause, to be tried at Columbia, or Headland, whichever may be selected for the holding of the second week of said term of said court during the remainder of said term, whereupon



the same shall be tried upon the original papers, dockets and records, the same as if tried when the process was returnable, except that in no criminal case where the defendant, and in no civil case where the plaintiff or defendant shall reside in said county on the north side of the line herein designated, viz: commencing at the township line of 5 and 6 at the Chattahoochee river on the east, running thence along said township west, to the Dale county line, shall the trial be held in Columbia or Headland, whichever may be selected for the holding of the second week of such term of said court, without the consent of such defendants in criminal cases, and such plaintiffs and defendants in civil cases or their attorneys of record made in writing or in open court.

Approved February 18, 1891.

600]

AN ACT

[H. 945

To amend sections 7, 10, 20 and 36, of an act entitled "an act to create a new charter for the city of Florence, Alabama," approved February 28th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 7, 10, 20 and 36, of an act entitled "an act to create a new charter for the city of Florence, Alabama," approved February 28th, 1889, be and the same are hereby amended so as to read as follows: That section 7 be amended so as to read as follows: That the persons entitled to vote at elections held under this act shall be males of the age of twenty-one years, and shall be citizens of the United States, or shall have legally declared their intention to become such, and shall have resided in the state for twelve months, in the city for three months, and in the ward for thirty days, next preceding the election at which they propose to vote, and shall have complied with the registration laws as herein provided; *Provided however*, that no person who has been convicted of any of the

Legal voters

offenses named in section 3 of article 8, of the constitution of the State of Alabama, and no idiot or insane person shall be allowed to vote at any election held under this act; that all elections shall be conducted according to the laws governing elections under the general election laws of this state except as otherwise specially declared in this act.

Registration  
SEC. 2. *Be it further enacted*, That section 10 be amended so as to read as follows: That at least sixty days before the first Tuesday in December next preceding each election, it shall be the duty of the mayor and aldermen of said city to appoint two or more residents of said city to act as registrars of voters; said registrars shall commence registration the second Tuesday in October next preceding each election, and shall continue the same up to and including the last Tuesday next preceding said election, after which time said registration shall be closed; said registrars shall give at least five days notice by publication in some newspaper published in said city of their appointment, and of the time when and the place at which they will attend and make registration as hereinafter required. Should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said appointment, then the mayor and aldermen shall appoint some other person in his stead. Before registering the electors, the said registrars shall cause each qualified elector to take and subscribe an oath that he is a qualified elector under this act and that he will be legally entitled to vote at the next ensuing election for municipal officers of said city. Said oath shall be written or printed and shall be substantially in the following form: The State of Alabama, County of Lauderdale, the undersigned registered electors each for himself, does solemnly swear (or affirm) that, I am not excluded from registering or voting by any of the clauses in section 3 of article 8 of the constitution of the State of Alabama; that I have resided in the State of Alabama twelve months, in the city of Florence three months, and in the ward in which I propose to vote thirty days, and that I am a qualified elector under the charter of the

city of Florence, and will be entitled to vote at the ensuing municipal election."

The registrar shall write opposite to the name of each elector under the appropriate head in such written or printed list, the number and date of such registration, whether white or colored, his employment, and if he is in the employment of another, the name of such employer, and the ward in which such elector resides and his age. The right of any person to be registered may be challenged in the same manner as hereinafter provided for challenging persons who may claim to be entitled to vote at any municipal election of said city; said registrars shall carefully preserve the original registration lists and cause a correct copy thereof to be made, placing the names of the parties registered upon said copies alphabetically, and certify said originals and copies over their signatures, and immediately after the closing of the registration lists shall deliver both said originals and copies to the mayor of said city.

SEC. 3. *Be it further enacted*, That section 20 be amended so as to read as follows: That it shall be the duty of the mayor to see that the laws of the corporation be duly executed; he shall hold a court at such place as may be designated by the board of mayor and aldermen, as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation; he shall recommend from time to time in writing, such alteration in the laws of the corporation or measures for its good government or interest as he may deem necessary and proper; he may in cases of the disturbance of the peace or invasion or insurrection or whenever in his opinion the peace and security of the city may require it, call on the sheriff of the county for aid in preserving the peace by the use of all means which the laws confer on the sheriff as a peace officer, and the mayor may also, through the proper authorities, call for the volunteer and militia companies in the city for its defense; he shall perform all such other duties as the board may prescribe, and has authority while holding his court to

Duties and  
powers of  
mayor

punish any contempt of his court by fine and imprisonment or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars, and he shall have like power and authority to punish for contempt of the board of mayor and aldermen, when the same is in session; and he shall have power to suspend the marshal or any policeman until the next regular meeting of the board, and shall report such suspension with the cause thereof to the board at such meeting; he shall make out at the end of each fiscal year a statement in writing of the financial condition of the city, giving an itemized statement of the receipts of the city from every source, and the disbursements, which statement shall be entered of record by the board, and may, if the board thinks proper, be published in some newspaper of the city.

Sidewalks,  
streets, etc

SEC. 4. *Be it further enacted by the General Assembly of Alabama*, That section 36 of an act entitled "an act to create a new charter for the city of Florence, Alabama," approved February 28th, 1889, be, and the same is hereby amended so as to read as follows: Section 36. *Be it further enacted*, That the mayor and aldermen of the city of Florence shall have the full power and authority to cause or procure the sidewalks along the avenues, streets, and alleys of the said city, now or hereafter established, to be graded, leveled, curbed and paved or either, regraded, releveled, re-curbed and repaved or either; and to cause or procure the avenues, streets and alleys of said city now or hereafter established to be graded, leveled and macadamized or graveled, or either, or to be regraded, releveled and remacadamized or regraveled, or either, in such manner and with such material as they may deem best, and to cause the expense of all such work on sidewalks, avenues, streets, and alleys to be assessed against the owners of the lands or lots lying along or adjacent to such avenues, streets and alleys, according to the value or frontage of said lands or lots, or of the benefits to the owners thereof, and to make such assessments a lien upon said lands or lots, and to provide for the enforcement of such lien and the collection of such assessments. The said mayor and aldermen shall have

power and authority to discontinue or close up streets, avenues, and alleys in said city, or to widen or narrow the same, and, if deemed expedient, to dispose of all their interest in the streets, avenues and alleys thus abandoned or closed up, or that part abandoned in case they narrow the same, to the abutting owners; and they shall also have power and authority to open new streets, avenues and alleys.

Approved February 18, 1891.

601]

AN ACT

[H. 929

To establish a separate school district in Cherokee county, and to define the boundaries thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a separate school district, to be known as Maple Grove School District, subject to the public school laws of the State of Alabama, be and the same is hereby formed out of that part of township (11), range (8), north of Coosa river; also a part of township (10), range (8), in Cherokee county, to-wit: Beginning at the mouth of the Matthews branch in T. (10), R. (8), running north to the public road known as the Centre and Gadsden road; thence west along said road to Hollis creek; thence south along said creek to the Coosa river; thence up said river to the starting point. Said district to be composed of all that part of T. (11), R. (8), lying north of Coosa river in what is known as Pollard's bend, and all that part of T. (10), R. (8), lying south of the Gadsden and Centre road.

SEC. 2. *Be it further enacted*, That the county superintendent of education of Cherokee county shall appoint three trustees who are resident householders of said district, who shall serve until the next election provided for by law for the election of township trustees in Cherokee county, at which time the qualified electors of said district shall elect three trustees who shall be resident householders of said district; said

trustees shall be governed by the laws governing township trustees.

School funds SEC. 3. *Be it further enacted*, That the county superintendent of education of said county shall set apart from the public fund of said county the pro rata share of the school fund and the poll tax collected in said district, together with the interest of the sixteenth section fund, to the schools as provided in the laws governing the public schools of the State of Alabama.

Approved February 18, 1891.

602]

AN ACT

[H. 205

To create the office of Inspector of Mines, and to prescribe the duties of said office.

Inspector of mines ; appointed by governor ; oath and bond SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the office of inspector of mines is hereby created. The said inspector shall be appointed by the governor within ninety (90) days, and he shall hold office for two (2) years, or until his successor is appointed and qualified. Before assuming the duties of said office the inspector shall take and prescribe an oath to perform, to the best of his ability, and without fear or favor, the duties of his said office, and shall give a bond of one thousand dollars, to be approved by the governor, to cover any default in said office.

Duties of inspectors SEC. 2. *Be it further enacted*, That it shall be the duty of said inspector to visit officially every underground coal, iron and other mine in the state where twenty or more miners are employed, at least once in every three months, and examine in person and in detail the methods and manners of working said mines, and if, in his opinion, any changes are required, he shall notify in writing the operator, owner or general manager of said mine what changes are required to be made in the manner of working, or in the machinery and fixtures used in working said mines, and if said changes are not made in a reasonable time, the matter shall be referred to the board of examiners provided for in



section seven of this act, which said board shall, after giving notice to the person owning or operating the mine, hear the matter at issue, and determine whether or not such changes are necessary and upon such hearing, if the board decides that such changes, or any part thereof, are necessary, the mine inspector must notify the owner or operator, and if such changes are not then made within a reasonable time it shall be the duty of the mine inspector to refer the matter to the probate judge of the county in which the mine is located. Upon such reference the probate judge shall set a day for the hearing of the same, and issue citation to the owner or operator of the mine to appear and contest the matter if he sees proper, said citation to be served by the sheriff of the county, and at least ten days before the day of trial. And upon the application of either party, the probate judge must issue subpoenas for witnesses to be served by the sheriff as in other cases. After hearing the cause, the probate judge must render such decision as he may deem just and equitable, from which decision either party may appeal to the circuit court within sixty days, otherwise it shall be final and binding on the said operator or mine owner, and any mine owner or operator who refuses to carry out the final order or determinations of the cause after a reasonable time, shall be guilty of a misdemeanor, and must, upon conviction, be fined not more than one thousand dollars.

Hearing by  
probate  
judge

SEC. 3. *Be it further enacted*, That whenever required by the state inspector of mines of any mine operator, owner or general manager, two openings shall be made, one for an escape way, in any mine operated or owned by them. Reasonable time, however, shall be given to said operator, owner or general manager to prepare the second opening, in no case exceeding two years from the time such order or requisition is made.

Escape ways

SEC. 4. *Be it further enacted*, That every mine operator, owner or general manager of any mine in this state shall, within twelve months after the passage of this act, make and keep in their office or principal place of business a map or plan of their mine workings, both old and new, and file a copy of the same in

Duty of  
mine owners,  
etc

the office of the probate judge of the county where such mine is located, to be preserved by said probate judge as other records are, and each twelve months thereafter a copy of all changes or progress in said workings shall also be made and filed, or marked on the map already filed in the office of the probate judge as aforesaid. The said map shall be made on a uniform scale not less than four hundred feet to an inch. The approaches to any old workings shall be done and made in the manner prescribed by the inspector of mines where pools of water are suspected.

Inspector to  
give direc-  
tions, etc

SEC. 5. *Be it further enacted*, The inspector of mines shall give directions to the mine operators, owners and general managers as to the method or manner of working gaseous mines, and the manner of working and propping the roof in any or all mines, and shall examine the machinery and appliances used in working the same, and give directions as to the examination of the same. All such directions shall be given in writing, subject, however, to references as hereinbefore provided to the probate judge of the county, and the penalties for failure to comply as provided in section 2 of this act.

Salary and  
expenses

SEC. 6. *Be it further enacted*, The salary of the inspector of mines shall be fifteen hundred dollars per annum, to be paid as other state officers are, with an allowance not exceeding four hundred dollars per annum for actual traveling and office expenses, to be paid out of the treasury. The said inspector shall keep his office in the city of Birmingham, Jefferson county.

Board of  
examiners

SEC. 7. *Be it further enacted*, That the said inspector of mines shall, together with two mining engineers, to be appointed by the governor for two years, form a board of examiners, to examine and give certificates of fitness and service to mine bosses, and after twelve months from the passage of this act, no person other than those now acting as mine bosses shall be employed as such unless they have a certificate of fitness or service given by the board created as above.

Fee from  
applicants

For each person examined the board shall exact a fee of three dollars, to be paid before the examination is begun. The said amounts to be received by the in-

pector of mines, who shall be ex-officio chairman of said board without extra pay. The mining engineers on the board shall be paid by the inspector four dollars per day out of the examination fund, and the remainder, if any, shall be turned into the state treasury. The said board shall meet once in three months at the office of the inspector of mines, in Birmingham, and can hold two days only at each meeting.

SEC. 8. *Be it further enacted*, That mines where not more than twenty miners are employed shall not be subject to the provisions of this act, nor shall the examination of the mine inspector relate to anything except where the health and safety of the mine employes are concerned.

SEC. 9. *Be it further enacted*, That the governor may discharge the mine inspector at any time for unfairness, unfitness, incompetency or malfeasance in his office, and appoint his successor for the unexpired term.

Approved February 18, 1891.

603]

AN ACT

[H. 610]

To amend sections 2 and 16 of an act entitled an act to amend an act entitled an act to establish the city court of Birmingham, which was approved February 28, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the second section of an act entitled an act to amend an act to establish the city court of Birmingham, approved February 28, 1889, be and the same is hereby amended so as to read as follows: Section 2. That the said city court of Birmingham shall be composed of two judges to be selected as hereinafter provided; that the judge now presiding over said court shall be the senior judge or justice thereof, and that the judge whose appointment and election is provided for in this act shall be known as the associate judge of said city court; that at the general election to be held in this state in 1892, and every six years

thereafter, the judges of said court shall be elected by the qualified electors of the county of Jefferson, whose term of office shall be six years from the date of their election, and until their successor or successors are elected and qualified. The judge of said court now in office shall be known as the senior judge of said court, and shall continue in office during the term for which he was elected, unless he is removed, resigns or dies, in which event the governor shall appoint a judge of said court to fill his unexpired term; that the office of associate judge of said court is hereby created, to be filled by appointment to be made by the governor of Alabama within fifteen days after the approval of this act, and that the term of service of the associate judge so appointed shall continue until the general election in the year 1892, and until his successor shall be duly elected and qualified. Each of the judges of said court at the time of their election or appointment shall have been a citizen of this state and of the United States for the period of five years next preceding his election or appointment, and shall not be less than twenty-five years of age, and shall be learned in the law, and at the time of his election or appointment and during his continuance in office, each of said judges shall reside in the county of Jefferson. The judges of said court shall take the oath of office required by law to be taken by judges of the circuit court before entering upon the discharge of the duties pertaining to said office; and they may be impeached or removed from office for the same causes, and by the same tribunals, and in the same manner as is provided by law for the impeachment or removal from office of judges of the circuit court in this state. Said judges shall have and exercise jointly or separately all the jurisdiction and powers which are now or may hereafter be lawfully exercised by the judges of the circuit court and chancellors of this state, including authority to issue writs of injunction, prohibition, *ne exeat*, and all other writs which are now or may hereafter be lawfully issued by the judges of the circuit court and chancellors of this state. Vacancies in the office of either of such judges shall be filled by the governor, and any person appointed to fill such vacancy shall continue in office during the unexpired term

of his predecessor, and until his successor is elected and qualified. Said judges may hold and preside over the sessions of said court either jointly or separately, and may hold sessions of said court, and try causes therein in the same place or in different places in the city of Birmingham at the same time, and that when presiding together if there should be a division of opinion upon any question of law or fact, then the opinion of the senior or presiding judge shall prevail and be declared to be the judgment and opinion of the court. That the presiding judge in said court shall have the power and authority to allot and apportion the cases now pending in said court, or which may hereafter be brought therein, between himself and the associate judge of said court for trial in such manner as to him shall seem best, and the public interest demand.

SEC. 3. *Be it further enacted*, That section 16 of said act be and the same is hereby amended so as to read as follows: Section 16. That the salary of the senior or presiding judge of said court shall be three thousand five hundred dollars per annum, and the salary of the associate judge of said court shall be twenty-five hundred dollars per annum, and the same shall be payable monthly on the last day of each month at the treasury of the county of Jefferson upon the order of said judge, and the same shall be a preferred claim against said county, and receivable in payment of taxes due the same.

SEC. 4. *Be it further enacted*, That sections 2 and 16 of said act be and the same are hereby repealed.

Approved February 18, 1891.

604]

AN ACT

[H. 986

To amend sections 2 and 3 of an act entitled an act to establish a new charter for the city of Talladega, approved February 28th, 1887.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 of an act entitled an act to establish a new charter for the city of Talladega, approv-

Sections of  
charter  
amended

ed February 28th, 1887, and which is in words and figures as follows: Sec. 2. Be it further enacted, That the corporate limits of said city of Talladega, shall include all of the territory lying within the following boundary lines to-wit: Beginning at a stake 50.16 chains south,  $14\frac{1}{4}$  degrees east, from the southeast corner of the courthouse or public square in said city of Talladega; and running thence east  $14\frac{1}{4}$  degrees north 20.80 chains to east base line of Hoge lot; thence north 4 degrees west, 22.65 chains to a stake; thence east  $14\frac{1}{4}$  degrees north 39.00 chains to a stake; thence north  $14\frac{1}{4}$  degrees west 58.00 chains to a stake on the north side of the E. T. V. and G. R. R.; thence west 14 degrees south along the north side of said rail road 44.84 chains to section line between sections 26 and 27, T. 18, R. 5, east; thence north  $2^{\circ}$  west 26.26 chains to the N. E. corner of S. E.  $\frac{1}{4}$  of section 22; thence west 45 degrees south 20.19 chains to northwest corner of S. E.  $\frac{1}{4}$  of S. E.  $\frac{1}{4}$  of section 22; thence north 2 degrees west 16.50 chains to a stake; thence west 2 degrees south 5.00 chains to a stake; thence north 2 degrees west 3.50 chains to a stake; thence west 2 degrees south 35.26 chains, to the northwest corner of N. E.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$  of section 22; thence south 2 degrees east 9.35 chains to the middle of Henderson branch; thence south along said branch to the northeast corner of J. F. Warwick's lot between Battle and South streets; thence west  $14\frac{1}{4}$  degrees south 8.85 chains to the northwest corner of said lot; thence south  $14\frac{1}{4}$  degrees east 4.57 chains to southwest corner of said lot; thence north  $14\frac{1}{4}$  degrees west to the middle of the Henderson branch; thence south along said branch, to the south base line of section 27; thence east along section line to the northwest corner of J. W. McMillan's lot; thence south 2 degrees east 15.87 chains to a stake; thence east  $14\frac{1}{4}$  degrees north, 16.85 chains to a stake on south base line of R. Nickles lot, the starting point; saving and excepting from the lands included within said boundary lines, the following lands, viz: The lands owned by Mrs. R. C. Whitson, and on which she now resides; also those owned by Carrie E. King, known as the Rempson place; also those owned by Mrs. Charles M. Shelley; also those owned or occupied by



Mrs. Matilda Brown; also, those owned by Lewis E. Parsons and George W. Parsons, and on which they reside; also, the land owned by J. M. Lewis and on which he now resides, and formerly known as the Parson's place; also the land bought by John B. Knox, *et als*, of Joseph H. Johnson and wife, and known as a part of the Moorefield farm property, except that part thereof which was included within the corporate limits of the city of Talladega prior to the passage of this act. The said city is hereby divided into four wards as follows: The first ward shall include all that part of the city between the east side of east street, and the south side of Battle street; the second ward shall include all that part of the city lying between the west side of east street, and the south side of Battle street; the third ward shall include all that part of the city lying between the west side of East street, and the north side of Battle street; the fourth ward shall include all that part of the city lying between the north side of Battle street, and the east side of East street;" be and the same is hereby amended so as to read as follows:

Section 2. Be it further enacted, That the corporate lines and limits of the city of Talladega, shall comprise and contain the following lands and territory according to the government survey, viz: All of section twenty seven (27), and all of the west half, of section twenty-six (26), and the southeast quarter of section twenty-two (22), and the south half of the southwest quarter of section twenty two (22), and the northeast quarter of the northeast quarter of section thirty-four (34), except so much of section thirty-four (34), as is now the property of the estate of John Wilson, deceased; and the northwest quarter of the northwest quarter of section thirty-five (35), all of said lands being in township eighteen (18), of range five (5), east in Talladega county. The said city is hereby divided into four wards as follows: The first ward shall include all that part of the city lying and being south of the south side of Battle street, and east of the east side of East street; the second ward shall include all that part of the city lying and being west of the east side of East street and south of the south side of Battle street; the third ward shall include all

Corporate  
lines and  
limits

Four wards

that part of the city lying and being north of the south side of Battle street, and west of the east side of East street; the fourth ward shall contain all that part of the city lying and being east of the east side of East street, and north of the south side of Battle street.

Former corporate limits

SEC. 2. *Be it further enacted*, That the corporate limits of said city of Talladega shall include all of the territory lying within the following boundary lines, to-wit: Beginning at a stake 50.16 chains south,  $14\frac{1}{4}$  degrees east from the southeast corner of the courthouse or public square in said city of Talladega, and running thence east  $14\frac{1}{4}$  degrees north; 20.80 chains to east base line of Hoge lot; thence north 4 degrees, west 22.65 chains to a stake; thence east  $14\frac{1}{4}$  degrees north 39.00 chains to a stake; thence north  $14\frac{1}{4}$  degrees west 58.00 chains to a stake on the north side of the E. T. V. & G. R. R.; thence west 14 degrees south, along the north side of said railroad 44.84 chains to section line between sections 26 and 27, T. 18, R. 5, east; thence north 2 degrees west 26.26 chains to the northeast corner of southeast quarter of section 22; thence west 45 degrees south 20.19 chains to northwest corner of southeast quarter of southeast quarter of section 22; thence north 2 degrees west 16.50 chains to a stake; thence west 2 degrees south 5.00 chains to a stake; thence north 2 degrees west 3.50 chains to a stake; thence west 2 degrees south 35.26 chains to the northwest corner of northeast quarter of southwest quarter of section 22; thence south 2 degrees east 9.35 chains to the middle of Henderson branch; thence south along said branch to the northeast corner of J. F. Warwick's lot, between Battle and South streets; thence west  $14\frac{1}{4}$  degrees south 8.85 chains to the northwest corner of said lot; thence south  $14\frac{1}{4}$  degrees east 4.57 chains to southwest corner of said lot; thence north  $14\frac{1}{4}$  degrees west to the middle of the Henderson branch; thence south along said branch to the south base line of section 27; thence east along section line to the northwest corner of J. W. McMillian's lot; thence south 2 degrees east 15.87 chains to a stake; thence east  $14\frac{1}{4}$  degrees north 16.85 chains to a stake on south base line of R. Nickle's lot, the starting point, saving

and excepting from the land included within said boundary lines the following lands, viz.: The lands owned by Mrs. R. C. Whitson, and on which she now resides; also those owned by Carrie E. King, known as the Remson place; also, those owned by Mrs. Charles M. Shelley; also, those owned or occupied by Mrs. Matilda Brown; also, those owned by Lewis E. Parsons and George W. Parsons, and on which they reside; also, those owned by J. M. Lewis, on which he now resides, and formerly known as the Parsons place; also, the lands bought by John B. Knox, *et als*, of Joseph H. Johnson and wife, and known as a part of the Morefield farm property, except that part thereof which was included within the corporate limits of the city of Talladega prior to the passage of this act. The said city is hereby divided into four wards as follows; The first ward shall include all that part of the city between the east side of East street and the south side of Battle street; the second ward shall include all that part of the city lying between the west side of East street and the south side of Battle street; the third ward shall include all that part of the city lying between the west side of East street and the north side of Battle street; the fourth ward shall include all that part of the city lying between the north side of Battle street and the east side of East street, be and the same is hereby amended so as to read as follows: Section 2. Be it further enacted, That the corporate lines and limits of the city of Talladega shall comprise and contain the following lands and territory according to the government survey, viz.: All of section twenty-seven (27), and all of the west-half of section twenty-six (26), and the southeast quarter of section twenty-two (22), and the south half of the southwest quarter of section twenty-two (22), and the northeast quarter of the northeast quarter of section thirty-four (34), except so much of section thirty-four (34) as is now the property of the estate of John Wilson, deceased; and the northwest quarter of the northwest quarter of section thirty-five (35), all of said lands being in township eighteen (18), of range five (5), east, in Talladega county. The said city is hereby divided into four wards as follows: The first ward shall include all that part of the city lying

Corporate  
lines and  
limits

Four wards

and being south of the south side of Battle street and east of the east side of East street; the second ward shall include all that part of the city lying and being west of the east side of East street, and south of the south side of Battle street; the third ward shall include all that part of the city lying and being north of the south side of Battle street and west of the east side of East street; the fourth ward shall contain all that part of the city lying and being east of the east side of East street, and north of the south side of Battle street.

Elections  
bi-ennially

SEC. 2. *Be it further enacted*, That section (3) of said act be amended so as to read as follows: That the government of said city shall consist of and its corporate power be exercised by a mayor and eight aldermen (two aldermen from each ward), who are residents of their respective wards, who shall be elected as herein provided, on the first Tuesday in April, 1891, and biennially on the first Tuesday in April thereafter by ballot, by the male inhabitants of said city of and over the age of twenty-one years, who have resided in the county of Talladega for three months, and in the ward in which they propose to vote for thirty days, and in the state for twelve months next preceding such election, and are qualified electors under the general election laws of the state, and are registered as herein provided; and should the election not take place on the day fixed for the biennial election of mayor and aldermen, the corporation shall not, for that cause, be dissolved, and the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the mayor and aldermen to fix some day as early as convenient, within one month thereafter, on which day the said election shall be held; and should the mayor and aldermen fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor; and should a vacancy occur in the board by death, resignation, or removal of a member thereof from the city, or the ward from which he was elected, or for any cause, except on a contest of election as now provided by law, the remaining members of the board shall fill the vacancy at its next regular meeting after such vacancy occurs.

Approved February 18, 1891.

605]

AN ACT

[H. 399

To amend section nine (9) of an act entitled "An act to establish the city court of Decatur," approved February 8, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section nine (9) of an act entitled "An act to establish the city court of Decatur," approved February 8th, 1889, be amended so as to read as follows: Sec. 9. That immediately after the passage and approval of this act, there shall be elected a solicitor for the county of Morgan by joint ballot of the general assembly, whose term of office shall continue until a successor is elected by the general assembly in the year 1892, in the same manner and at the same time that solicitors for each of the judicial circuits are elected, and every six years thereafter a county solicitor for Morgan county shall be elected in like manner. The solicitor so elected shall hold office for six years, and until his successor shall have been elected and qualified; and said solicitor for the county of Morgan shall be charged with the performance of the same duties in said city court and subject to the same penalties in respect thereto as are by law imposed upon circuit solicitors in the circuit courts of this state; and it shall also be the duty of said solicitors to attend upon the county court of said county and perform all the duties now devolving by law upon the deputy solicitor, and he shall be entitled to the same compensation and fees as is now prescribed by section 4868 of the code of Alabama; *Provided*, he shall not receive for any one year's services as solicitor of the city court more than fifteen hundred dollars for services as solicitor in said court, and more than five hundred dollars a year for services as solicitor in the county court, and that the surplus of such fees, over and above fifteen hundred dollars in the city court of Decatur, shall be paid by the clerk and register of said court into the state treasury, and that the surplus over and above five hundred dollars in the county court shall be paid by the clerk of said court into the county treasury. Such solicitor shall be

County solicitor elected by general assembly

Duties

learned in the law, and at the time of his election, and during his term of office, shall reside in Morgan county, Alabama.

Approved February 18, 1891.

606]

AN ACT.

[H. 817

To extend the jurisdiction of the notary public and ex-officio justice of the peace in ward number four of the city of Anniston, so as to cover the corporate limits of the city of Anniston.

Jurisdiction  
extended

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the jurisdiction of the notary public and *ex-officio* justice of the peace in ward number four of the city of Anniston is hereby extended so as to cover the corporate limits of the city of Anniston, and he is authorized to exercise all the powers of a notary public and *ex-officio* justice of the peace in the entire corporate limits of the city of Anniston, which he is authorized by law to exercise within the limits of ward number four of the city of Anniston.

SEC. 2. *Be it further enacted*, That this act shall go into effect and become a law on its passage.

Approved February 18th, 1891.

607]

AN ACT

[H. 244

To allow the constable of Beat No. 36, in Dallas county, and 1 and 4 in Henry county, Alabama, to appoint deputies.

Deputy  
constables

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the bonded constables of Selma Beat No. 36, in Dallas county, and beats 1 and 4 of Henry county, Alabama, be and they are hereby authorized and empowered to appoint one or more deputies with like powers and duties as themselves, said constables to be responsible for the official acts of such deputy



or deputies, as in the case of the sheriff of the several counties of the state.

Approved February 18, 1891.

608]

AN ACT

[s. 803

To amend an act entitled an act to amend sections 463 and 529 of the code, approved February 28th, 1889.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of an act to amend sections 463 and 529 of the code, approved February 28th, 1889, be amended so as to read as follows: The tax assessor shall be entitled to receive from the tax collector, out of the first moneys collected for the state, giving him duplicate receipts therefor, one of which receipts shall be by the tax collector forwarded to the auditor, the following commissions upon the amount of state taxes assessed by him, to-wit: In counties where the state taxes assessed do not exceed twelve thousand dollars, the rate of commission shall be eight per cent. on the first thousand, four per cent. on the next thousand dollars, and two per cent. on the remainder. In counties where the state taxes assessed exceed twelve thousand dollars, the commission shall be the same as above up to twelve thousand dollars, and all above twelve thousand dollars, one and one-half per cent. up to sixty thousand dollars (\$60,000), and on all above sixty thousand dollars, one per cent. He shall also receive from the tax collector the same rates of commission upon the amount of county taxes and upon the amount of special county taxes which are regularly assessed, carried up or extended on the assessment book, giving duplicate receipts to the tax collector for all moneys so paid by him to the tax assessor. He shall also receive five per cent. upon the amount of taxes upon property assessed by him which has escaped taxation in the assessments for the previous year, such previous assessment not having been made while he was tax assessor. He shall also receive five mills per acre from the state taxes, and

Tax asses-  
sor's com-  
missions

five mills per acre from the county taxes, for each additional acre of land properly assessed by him which has escaped taxation in the assessment for the previous year; and for each acre of land which he fails to assess, and which was assessed for taxation the previous year, he shall forfeit of his commissions, five mills to the state, and five mills to the county.

Tax collector's commissions

SEC. 2. *Be it further enacted*, That section two of said act be amended so as to read as follows: The tax collector shall be entitled to commissions on the amount of state taxes collected by him as follows, to-wit: In counties where the collections do not exceed twelve thousand dollars, the rate of commissions shall be eight per cent. on the first thousand dollars, four per cent. on the next thousand dollars and two per cent on the remainder. In counties where the collections of state taxes exceed twelve thousand dollars, the commissions shall be same as above declared up to twelve thousand dollars, and on all above twelve thousand dollars one and one-half per cent, up to sixty thousand dollars (\$60,000), and on all above sixty thousand dollars, one per cent. He shall also be entitled to the same rates of commission upon the amount of county taxes, and upon the amount of special county taxes. He shall also be entitled to five per cent. on the amount of poll tax collected by him; and upon the amount of escaped taxes assessed and collected by him as provided by the act of February 28, 1889, he shall be entitled to two and one-half per cent.

Approved February 18, 1891.

609]

AN ACT

[H. 1072

To amend section two of an act entitled an act to amend the charter of the First Presbyterian Church of Talladega, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two (2) of an act entitled an act to amend the charter of the First Presbyterian Church of Talladega, Alabama, approved February

28, 1889, which is in words and figures as follows: "Section 2. Be it further enacted, That the pastors, ruling elders, and the deacons of said church, shall constitute a permanent board of trustees for said corporation, and that such board shall have full power and authority to attend to and transact all its business affairs," be, and the same is hereby amended so as to read as follows: Section 2. Be it further enacted, That the pastors, ruling elders, and deacons of said church, shall constitute a permanent board of trustees for said corporation, and that such board shall have full power and authority to attend to and transact all its business affairs; that a majority of the persons constituting said board shall constitute a quorum for the transaction of business at any meeting, whether special or regular. That said board of trustees are hereby authorized to bestow upon the female school, belonging to and under the control of the said corporation. the name of "Isbell College;" that said board shall be authorized and empowered to appoint, either from the persons comprising said board or from among the members of said church, or partly from one and partly from the other, a subordinate board consisting of seven members to be known as the board of control of "Isbell College," which said subordinate board shall hold office for two years, and all vacancies in said board of control shall be filled by appointment of the board of trustees; the appointees to hold office for the unexpired term; that said board of control, when appointed shall organize by the election of a president, secretary and treasurer, and a majority of said board of control shall constitute a quorum, for the transaction of any business within its power and authority; that said board of control shall have charge and control of the property belonging to the said corporation known as "Isbell College," and shall have authority to employ or appoint a principal to conduct the same, and general control of the business and scholastic matters of said college, and shall be empowered to grant diplomas, certificates of scholarship or proficiency, to those whom they may judge entitled thereto; that said board of control shall adopt its own by-laws, rules and regulations, shall have a correct minute

Church charter amended

kept of all its meetings, and shall make full report, at least once each year, and oftener if so required, to the board of trustees of said corporation of its action in the management of said college; that said board of control shall procure a seal, and shall cause an impression thereof to be made on each diploma, certificate of scholarship, or proficiency issued or awarded, and such diplomas or certificates, shall be signed by the president of said board of control, and countersigned by the secretary.

SEC. 2. *Be it further enacted*, That said section two (2) of said act, approved February 28th, 1889, be, and the same is hereby repealed.

Approved February 18, 1891.

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610]

AN ACT

[s. 497

To fix the time of holding the chancery court in the county of Etowah, State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the chancery court in Etowah county, shall be held on the fourth Mondays in February and August in each year, and at each term may continue six days; *Provided*, that this act shall not go into effect until the first day of July, 1891.

Chancery  
court

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed so far as the same refer to Etowah county.

Approved February 18, 1891.

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611]

AN ACT

[s. 395

To prevent stock from running at large in the several beats or districts in Marengo county, and to authorize an election thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever twenty freeholders or

householders in any beat or district in Marengo county shall petition the probate judge of said county, asking that an election be held in said beat or district, to decide whether or not stock shall be prohibited from running at large in such beat or district, fully describing the same in such petition, the probate judge shall order an election in such beat or district at the usual voting place, which said order shall be published twice in a newspaper published in said county, and shall notify the public that an election will be held at the voting place in said beat or district, not less than twenty nor more than thirty days from such publication, specifying the day of election, to decide whether in said beat or district, stock shall be prohibited from running at large; the probate judge shall also appoint two managers of such election, one who favors, and the other opposes such law. At such election only such qualified voters who live within the limits of the beat or district described in the petition asking such election shall be allowed to vote; those favoring the running at large of stock, shall have on their ballots, "Stock at large," and those opposing shall have on their ballots, "No stock at large." Said ballots at the close of the election, shall be counted by the managers, and the result certified to the probate judge within two days after said election. If a majority of the votes cast, as certified by the managers, are in favor of prohibiting stock from running at large, the said judge shall enter an order on the minute book of the county commissioners to that effect, and shall at once publish said order in a newspaper published in said county for two weeks; and sixty days after such publication, the provision of this act shall apply, and be in full force and effect in such beat or district; and it shall be unlawful in such beat or district for the owner of any stock to permit such stock to go upon the lands or crops of another within the prohibited territory, and for each willful violation of this section, the owner of such stock shall be guilty of a misdemeanor, and upon conviction of such offense, shall be fined not less than five nor more than twenty dollars; and the term stock when it occurs in this act, shall be held to include horses, mares, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

Election on  
stock run-  
ning at  
large

Ballots

Duties of  
judge of  
probate

## Contests

SEC. 2. *Be it further enacted*, That for the election provided for in section one of this act, the judge of probate shall appoint two challengers, one favoring and one opposing the law; if any contest arises as to the result of said election, the party so contesting shall file with the probate judge in five days after said election his objections to granting the order prohibiting the running at large of stock, and shall give bond, with sufficient security to be approved by the probate judge to pay the costs of the contest; that said judge shall cause the sheriff to summons twelve jurors residing outside of said beat or district, who shall set on trial of such contest, and said jury shall be sworn by said judge to render a true verdict, and on a day to be named by the judge, not less than five nor more than ten days from the filing of the contest, a trial shall be had at which said judge shall preside, and conduct the same as other trials; the issue to be decided on such trials shall be: 1st. Was said election held according to the provisions of this act? 2nd. Was the result for or against the stock law?

Rules of  
election

SEC. 3. *Be it further enacted*. That the section provided for by this act shall be held within the hours, and under the rules governing general election in this state. That the managers may administer to each other an oath, that they will conduct the election fairly and a true certificate render to the probate judge. If either of them fail or refuse to serve, any other competent man residing in said beat or district may serve; *Provided*, there shall be but one election under this act in any one year; and any officer failing to perform his duty under this act shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars.

## Damages

SEC. 4. *Be it further enacted*, That for any damages done by stock running at large in such prohibited territory, the owner shall be liable to the injured party in twice the amount of the damages done, to be recovered by suit before any court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage and any court entering the judgment shall enter therein an order that the officer executing the writ of execution on said



judgment, shall seize and sell said stock for the satisfaction of the judgment.

SEC. 5. *Be it further enacted*, That the prosecutions and civil actions provided for in this act Trials may be tried before any justice or notary public with justice jurisdiction in the beat or district where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such offices, then said trial shall be in the nearest beat in said county, where no objections exist. For such trials and prosecutions said justice courts shall always be open, but three days notice shall be given to the opposite party.

SEC. 6. *Be it further enacted*, That the petitioners Expenses ; shall pay the expenses of holding the election provided laws in conflict repealed for in this act ; and that all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 18, 1891.

612]

AN ACT

[s. 347

To incorporate Sheffield Saving and Trust Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Sam Keller, J. R. Coleman, R. H. Wilhoyte, S. Blondheim, E. W. DeLevu and their associates and successors be, and are hereby created a body corporate by the name of Sheffield Saving and Trust Company, and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued in all courts of law and equity, and may make and use a common seal and the same break, alter and renew at pleasure, and as such corporation they are hereby vested with all the powers and privileges of private corporations under the laws of this state, and with such other powers and privileges as are hereinafter granted.

Name,  
rights, etc

SEC. 2. *Be it further enacted*, That the corporation hereby created shall have power to take and hold

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Powers

money, stock, bonds and all descriptions of personal and real property on general or special deposit, and in trust, and as security, or in payment of debts due or to become due to it; and to improve, hold, lease, mortgage, pledge, sell and convey such of said property as it may receive in payment of debts as aforesaid; to accept and execute all such trusts of every description that may be committed by any resident or non-resident public or private corporation, persons or courts; to buy, collect, adjust, settle, hold, own, sell, hypothecate and deal in bonds, stocks, notes, bills of exchange, mortgages, choses in action and personal property generally; to receive and pay out deposits with or without interest, upon such terms as may be agreed upon, and if money is deposited by any married woman or minor, either at interest or otherwise, such money may be withdrawn by such married woman or minor, without the consent of the husband, parents or guardians; to lend money for itself or for resident and non-resident corporations and persons upon pledges, deeds of trust or mortgages of personal or real property, and of all or any rights or equities therein for such time as may be agreed upon, and charge interest for the whole time at the rate of not exceeding eight per centum per annum, and include the interest on the face of the notes or other obligations given for the loan and collect the full amount of said notes or obligations in monthly installments or otherwise without any rebate of interest if the borrower will so agree; to borrow money and pledge its property or any part thereof as security; to issue and sell or hypothecate such debenture bonds or other bonds as its board of directors may direct, and secure the same by pledge, deed of trust or mortgage of all or any part of its property, and of all or any rights and equities therein as said board may direct; to negotiate loans as agent for lender or borrower, and conduct other transactions as agent for such commission or compensation as may be agreed upon; to make bonds of indemnity; to guarantee, indorse or otherwise become surety for the obligations of resident or non-resident public or private corporations or persons; to purchase real estate in this state or elsewhere at any sale made in virtue of any judgment or decree of court

in its favor of any deed of trust or mortgage made to or held by it, or in which it may be interested, and hold, own, improve, lease, mortgage, sell or convey the same; and to take, hold, mortgage, sell, lease and improve real estate to be used in whole or in part by said corporation as offices or for other corporate purposes, and may sell the same at pleasure; *Provided*, that all real estate taken in payment of debts due or to become due, and all real estate purchased by said corporation, except such as it may hold to be used in whole or in part by it as offices or for other corporate purposes, must be sold by said corporation as soon as it can sell the same without loss, for cash upon satisfactory terms of payment; but said corporation may at its discretion sell said real estate at a loss.

SEC. 3. *Be it further enacted*, That said corporation may purchase erect or lease strong and commodious safety vaults and safes with small safe compartments or boxes designed and adapted for the safe keeping of securities and other valuables, and may rent out said safes, compartments or boxes to persons and corporations upon such terms as may be agreed upon.

Safety vaults,  
etc

SEC. 4. *Be it further enacted*, That said corporation shall have the power and authority to act as fiscal agent of any state, town, domestic or foreign corporation or municipality in receiving, disbursing or investing of money or other property, or for issuing, registering or countersigning bonds or certificates of stock, and paying bonds and coupons, and negotiating the sale of securities or bonds, and may guarantee the payment of such bonds and coupons, and for such services may charge and collect such compensation as may be agreed upon.

May act as  
fiscal agent,  
etc

SEC. 5. *Be it further enacted*, That said corporation may make and enter into such contracts and arrangements, and do and perform all such matters and things as may be necessary and convenient directly or remotely to carry out the several powers and purposes of the said corporation in this act set forth and declared, and the board of directors shall have power by resolution to authorize the proper officers for and in behalf of said corporation to make and enter into said contracts and arrangements and do and perform all said matters and things.

May do all  
things nec-  
essary to  
carry out  
powers

Capital stock

SEC. 6. *Be it further enacted*, That the capital stock of said corporation shall consist of one thousand shares of the par value of one hundred dollars each, with the privilege to increase the same from time to time by vote of the stockholders at any annual meeting, or at any special meeting called for that purpose, which shares shall be deemed personal property and shall be transferable in such manner as the by-laws of said corporation may prescribe. The corporators, or a majority of them, named in the first section of this act shall have power to open books of subscription at such times and places as they may deem expedient, and when not less than two hundred and fifty shares shall have been subscribed, and not less than ten per centum thereon, not less than ten thousand dollars thereof shall have been paid in, the subscribers who may have paid in their pro rata on their respective subscriptions may elect such number of directors, not less than five, as they may determine to serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so elected may at once proceed to the organization of said corporation by the election of such officers and agents as the by-laws may prescribe, and they may and are hereby authorized and empowered to have and exercise in the name and in behalf of the corporation all the rights, powers and privileges which are by this act given or intended to be given.

Organization

Meetings of  
stockholders

SEC. 7. *Be it further enacted*, That at every meeting of the stockholders each stockholder shall be entitled to one vote for every share of stock owned and held by him, and any stockholder may be represented by another stockholder by written proxy, but not otherwise, which said proxy shall be filed with the secretary of the company. The director of said corporation after the first election of directors shall be elected at each annual meeting of the stockholders, and they shall serve for one year or until their successors are duly elected and qualified, and they shall have the right to fill vacancies in their own number to serve until the next regular election, and until their successors are elected and qualified. And the said stockholders may adopt, make and establish all such rules, regulations

and by-laws, not inconsistent with this act, nor with the constitution and laws of the State of Alabama or of the United States as may be necessary or convenient for the proper transaction or conduct of the business of said corporation.

SEC. 8. *Be it further enacted*, That the stockholders of the corporation hereby created shall be individually liable for the debts of the corporation to the amount of the capital stock unpaid on their respective shares until such shares shall be fully paid up, and to no other or greater amount, and such liability shall not be enforced against any stockholder until after judgments shall have been recovered against the corporation for such debts, and execution has been returned unsatisfied thereon. Liability of stockholders

SEC. 9. *Be it further enacted*, That said corporation shall have an office in the city of Sheffield, in the State of Alabama, but the directors may by resolution establish branch offices or agencies in the city of New York or elsewhere in the United States. Place of business

SEC. 10. *Be it further enacted*, That the board of directors shall have power to require payment of the amounts remaining unpaid on the subscription to the capital stock of the corporation at such times and in such manner as they shall think proper, and under penalty, in case of non-payment as required, of forfeiture to the company of such stock and all previous payments thereon. Payments of subscription

SEC. 11. *Be it further enacted*, That for any services rendered by said corporation to public or private corporation, or to persons, it may charge and collect such fees, commissions or compensations as may be agreed upon, and in the absence of an agreement, such fees commission or compensations as may be reasonable, and said corporation shall have a lien upon such property of said corporations or persons for whom it may render such services as may be in its possession or under its control, or until such fees, commission or compensations are paid. Pay for services

SEC. 12. *Be it further enacted*, That any insurance, banking or other corporation shall have power and is hereby authorized to subscribe for, own and hold as many shares of the capital stock of the corpora- Subscription's to stock

tion hereby created as it may see fit to subscribe for, but the corporation hereby created shall have power to reject or accept such subscriptions.

Authority to  
executors,  
etc

SEC. 13. *Be it further enacted*, That any executor, administrator, guardian, or other trustee or public officer having control of any bonds, stock, securities, moneys or other valuables belonging to others, shall be and is hereby authorized to deposit the same with said corporation upon such terms as may be agreed upon.

SEC. 14. *Be it further enacted*, That this act shall go into effect from and after its passage.

Approved February 18, 1891.

613]

AN ACT

[s. 348

To incorporate National Banking Investment and Trust Company.

Name,  
rights, etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Joseph V. Allen, John T. Schley, and Alfred H. Moses, and their associates and successors, be and are hereby created a body corporate, by the name of National Banking Investment and Trust Company, and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, in all courts of law and equity, and may make and use a common seal, and the same break, alter and renew at pleasure; and as such corporation, they are hereby vested with all the powers and privileges of private corporations under the laws of this state, and with such other powers and privileges as are herein after granted.

Powers

SEC. 2. *Be it further enacted*, That the corporation hereby created shall have power to take and hold money, stock, bonds and all descriptions of personal and real property, on general or special deposit, and in trust, and as security, or in payment of debts due, or to become due to it, and to improve, hold, lease, mortgage, pledge, sell and convey such of said property as it may receive in payment of debts as aforesaid; to accept and execute all such trusts of every descrip-



tion that may be committed to it by any resident or non-resident, public or private corporations, persons or courts; to buy, collect, adjust, settle, hold, own, sell, hypothecate, and deal in bonds, stocks, notes, bills of exchange, mortgages, choses in action, and personal property generally; to receive and pay out deposits, with or without interest, upon such terms as may be agreed upon, and if money is deposited by any married woman or minor, either at interest or otherwise, such money may be withdrawn by such married woman or minor, without the consent of the husband, parents or guardian; to lend money for itself, or for resident and non-resident corporations and persons upon pledges, deeds of trust or mortgages of personal or real property, and of all or any rights or equities therein, for such time as may be agreed upon, and charge interest for the whole time at the rate of not exceeding eight per centum per annum, and include the interest in the face of the notes or other obligations, given for the loan, and collect the full amount of said notes, or obligations, in monthly installments or otherwise, without any rebate of interest, if the borrower will so agree; to borrow money and pledge its property or any part thereof as security; to issue and sell or hypothecate such debenture bonds, or other bonds, as its board of directors may direct, and to secure the same by pledge, deed of trust or mortgage of all or any part of its property, and of all or any rights or equities therein, as said board may direct; to negotiate loans as agent for lenders or borrowers, and conduct other transactions as agent, for such commission or compensation as may be agreed upon; to make bonds of indemnity; to guarantee, endorse or otherwise become surety for the obligation of resident or non-resident, public or private corporations or persons; to purchase real estate in this state or elsewhere, at any sale made in virtue of any judgment or decree of court in its favor, of any deed of trust or mortgage made to, or held by it, or in which it may be interested, and hold, own, improve, lease, mortgage, sell or convey the same; and to take, hold, mortgage, sell, lease and improve real estate to be used in whole or in part by said corporation as offices, or for other corpor-

Powers

ate purposes, and may sell the same at pleasure ; *Provided*, that all real estate taken in payment of debts due or to become due, and all real estate purchased by said corporation, except such as it may hold to be used, in whole or in part, by it as offices or for other corporate purposes, must be sold by said corporation as soon as it can sell the same, without loss, for cash or upon satisfactory terms of payment, but said corporation may, at its discretion, sell said real estate at a loss.

Safety  
vaults, etc

SEC. 3. *Be it further enacted*, That said corporation may purchase, erect, or lease strong and commodious safety vaults and safes, with small safes, compartments or boxes, designed and adapted for the safe keeping of securities and other valuables, and may rent out said safes, compartments, or boxes to persons and corporations, upon such terms as may be agreed upon.

May act as  
fiscal agent,  
etc

SEC. 4. *Be it further enacted*, That said corporation shall have the power and authority to act as fiscal agent of any state, town, domestic or foreign corporation, or municipality, in receiving, disbursing or investing of money or other property, or for issuing, registering, or countersigning bonds or certificates of stocks, and paying bonds and coupons, and negotiating the sale of securities or bonds, and may guarantee the payment of such bonds and coupons, and for such services, may charge and collect such compensation as may be agreed upon.

May do all  
things nec-  
essary to  
carry out  
powers

SEC. 5. *Be it further enacted*, That said corporation may make and enter into such contracts and arrangements, and do and perform all such matters and things, as may be necessary and convenient, directly or remotely, to carry out the several powers and purposes of the said corporation in this act set forth and declared ; and the board of directors shall have power by resolution, to authorize the proper officers, for and in behalf of said corporation, to make and enter into said contracts and arrangements, and do and perform all said matters and things.

Capital stock

SEC. 6. *Be it further enacted*, That the capital stock of said corporation shall consist of one thousand shares of the par value of one hundred dollars each, with the privilege to increase the same from time to time, by vote of the stockholders, at any annual meet-

ing, or at any special meeting called for that purpose, which shares shall be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation may prescribe. The corporators, or a majority of them named in the first section of this act, shall have power to open books of subscription, at such times and places as they may deem expedient, and when not less than two hundred and fifty shares shall have been subscribed, and not less than ten per centum thereon, not less than ten thousand dollars thereof, shall have been paid in, the subscribers who may have paid in their pro rata, on their respective subscriptions, may elect such number of directors, not less than five, as they may determine, to serve until the next annual election, or until their successors shall be duly elected and qualified, and the directors so elected, may at once proceed to the organization of said corporation, by the election of such officers and agents as the by-laws may prescribe, and they may and are hereby authorized and empowered to have and exercise, in the name and in behalf of the corporation, all the rights, powers and privileges which are by this act given or intended to be given. Organization

SEC. 7. *Be it further enacted,* That at every meeting of the stockholders each stockholder shall be entitled to one vote for every share of stock owned and held by him, and any stockholder may be represented by another stockholder by written proxy, but not otherwise, which said proxy shall be filed with the secretary of the company. The directors of said corporation, after the first election of directors, shall be elected at each annual meeting of the stockholders and they shall serve for one year, or until their successors are duly elected and qualified; and they shall have the right to fill vacancies in their own number, to serve until the next regular election, and until their successors are elected and qualified. And the said stockholders may adopt, make and establish all such rules, regulations and by-laws, not inconsistent with this act, nor with the constitution and laws of the State of Alabama, or of the United States, as may be necessary or convenient, for the proper transition, or conduct of the business of said corporation. Meetings of stockholders

Liability of  
stockholder

SEC. 8. *Be it further enacted*, That the stockholders of the corporation hereby created, shall be individually liable for the debts of the corporation to the amount of the capital stock unpaid on their respective shares, until such shares shall be fully paid up, and to no other or greater amount, and such liability shall not be enforced against any stockholder, until after judgment shall have been recovered against the corporation for such debts, and execution has been returned unsatisfied thereon.

Place of  
business

SEC. 9. *Be it further enacted*, That said corporation shall have an office in the city of Sheffield, in the State of Alabama, but the directors may by resolution, establish branch offices or agencies, in the city of New York or elsewhere in the United States.

Payment of  
subscriptions

SEC. 10. *Be it further enacted*, That the board of directors shall have power to require payment of the amounts remaining unpaid on the subscriptions to the capital stock of the corporation, at such times and in such manner as they shall think proper, and under penalty in case of non-payment as required, of forfeiture to the company of such stock, and all previous payments thereon.

Compensation for  
services

SEC. 11. *Be it further enacted*, That for any services rendered by said corporation to public or private corporations or to persons, it may charge and collect such fees, commissions or compensation as may be agreed upon, and in the absence of an agreement, such fees, commission or compensation, as may be reasonable, and said corporation shall have a lien upon such property of said corporations or persons, for whom it may render such services, as may be in its possession, or under its control, or until such fees, commissions or compensation are paid.

Subscriptions  
to stock

SEC. 12. *Be it further enacted*, That any insurance, banking or other corporation shall have power, and is hereby authorized to subscribe for, own and hold, as many shares of the capital stock of the corporation hereby created, as it may see fit to subscribe for, but the corporation hereby created shall have power to reject or accept such subscriptions.

SEC. 13. *Be it further enacted*, That any executor,

administrator, guardian or other trustee, or public officer, having control of any bonds, stock, securities, moneys, or other valuables, belonging to others, shall be and is hereby authorized to deposit the same with such corporations upon such terms as may be agreed upon.

Authority to  
executors,  
etc

SEC. 14. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 18th, 1891.

614]

AN ACT

[s. 418

To authorize the mayor and councilmen of Troy, in Pike county, to erect and maintain, or otherwise provide, a system of waterworks for the City of Troy, and issue bonds in payment thereof in an amount not exceeding fifty thousand dollars.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and councilmen of Troy, in Pike county, are hereby authorized and empowered to erect, maintain, or otherwise provide, a supply or system of waterworks for the use of said city and the inhabitants thereof, and to charge and collect, or pay rental or tolls, at such rates as may be fixed or agreed upon by said mayor and councilmen of Troy, or by agents or commissioners appointed by them for that purpose.

Water works

SEC. 2. *Be it further enacted*, That in order to provide the means for erecting and paying for said waterworks, the said mayor and councilmen of Troy are hereby authorized and empowered to issue and negotiate bonds of said city to an amount not exceeding fifty thousand dollars, which shall be known and designated as The City of Troy Water Bonds, or so much thereof as the said mayor and councilmen may deem necessary for the purpose herein named in sums of one thousand (\$1,000.00) dollars each, and payable to bearer at such time and place as said mayor and councilmen may designate, not exceeding thirty years from the date thereof, with coupons attached bearing interest at a rate not exceeding six per cent. and pay-

Bonds

able semi-annually. Said bonds shall be signed by the mayor and countersigned by the treasurer of said city, and the corporate seal attached thereto; and the said city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

Sale of bonds      SEC. 3. *Be it further enacted*, That the said mayor and councilmen are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, at such time and place and in such manner as they may deem best; but said bonds shall not be sold for less than par, less cost and expenses of negotiating said bonds. The proceeds of said bonds shall be paid over to the treasury of said city, and to be used and applied to the purpose of erecting and completing said waterworks for said city; said payments and applications of said proceeds to be under the direction and by authority of said mayor and councilmen of Troy, and the said treasurer to be responsible for the safe keeping of all proceeds arising from the sale of said bonds which may come into his hands as such treasurer, and it shall be unlawful for said mayor and councilmen, or any member thereof, or any of the officers of the city of Troy, to apply the proceeds of the sale of said bonds issued by authority of this act to any other purpose than hereinbefore specified, or to use or apply any of the proceeds of rentals or tolls received from said waterworks otherwise than to pay the interest or principal of said bonds, or to the necessary current expenses of operating, repairs and improvements and extension of said waterworks. Any person who in any official capacity or otherwise applies the proceeds of the sale of any of the said bonds, or the rental or tolls, in any other manner than herein specified shall be guilty of a criminal offense, and upon conviction shall be punished as if such person had stolen the same.

Application of proceeds

Bond of treasurer      SEC. 4. *Be it further enacted*, That before entering upon the duties prescribed under this act the treasurer of said city shall execute bond in such amount as shall be fixed by the mayor and councilmen, with sufficient sureties to be approved by the mayor of said city of Troy and payable to the mayor and councilmen of Troy, and conditioned upon the said treasurer to



perform the duties and exercise the powers hereby imposed upon and granted him; and unless said bond be given and approved as set forth, by the city treasurer, the mayor and councilmen of Troy shall select some other citizen of Troy to act as treasurer under this act, and perform all the duties and exercise all the powers provided by this act for the treasurer of said city, and be subject to the same conditions provided for the city treasurer under this act.

SEC. 5. *Be it further enacted*, That the said mayor and councilmen be, and are hereby authorized for the Mortgage purpose of better securing the payment of said bonds and interest, to execute to trustees, or in such manner and form as they may deem best for said city, a mortgage upon the said system of waterworks which are to be erected, together with all property, whether real or personal, connected therewith, and all grants and franchises necessary for properly conducting and carrying on said waterworks.

SEC. 6. *Be it further enacted*, That said mayor and councilmen are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the power hereby granted, either through themselves or by agent or agents duly authorized or appointed by them for that purpose, at any meeting of said board, whether it be regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said bonds, shall in any wise, vitiate or annul said bonds or coupons, which shall have all the protection of commercial papers. Authority to do all things necessary

Approved February 18, 1891.

615]

AN ACT

[s. 482

To confirm the incorporation and organization of the Alabama Banking and Trust Company, and to increase and enlarge the powers of said Company.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That the incorporation and organization

Incorporation confirmed

of the Alabama Banking and Trust Company, had under the general laws of this state, and by and under proceedings had in the probate court of Lauderdale county, and in the office of secretary of this state, be and the same is in all things confirmed.

Rights and powers

SEC. 2. *Be it further enacted*, That said corporation shall have and possess all rights, powers and franchises, privileges and immunities by the general laws of this state conferred on private corporations organized for banking business, and all general laws applicable to such private corporations are hereby made applicable to said corporation, the Alabama Banking and Trust Company.

Courts may order money deposited

SEC. 3. *Be it further enacted*, That in addition to the powers and authority given said corporation by the general laws of this state, it shall be lawful for any court in this state, when money is required to be paid into court by any order or decree, to direct said money to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient; and said court, if satisfied from the examination hereinafter provided for, that no security other than said corporation is necessary, such court may order the deposit without other security than that of the corporation itself; *Provided however*, that said corporation shall not be required to receive any money on deposit, or execute any trust, without its own assent.

May be appointed trustee, etc

SEC. 4. *Be it further enacted*, That said corporation may be appointed guardian of any infant, or person *non compos mentis*, or executor or administrator of the estate of any deceased person, or trustee of any express trust created by law or contract, and shall be subject to the duties and obligations of natural persons, and shall have the same powers and receive the same compensation as such natural persons occupying similar positions, or holding similar trusts, except as herein otherwise provided; to execute such bonds or other securities on appointment to such trust office as shall be required by law or the court making such appointment; *Provided however*, that this corporation shall not be required to accept any such office or appointment without its own assent.

SEC. 5. *Be it further enacted*, That any court having power to make such appointment of trustees or other personal representative, or to order money deposited in said corporation is hereby empowered before making such appointment or order, or during the time said corporation is acting in such fiduciary capacity, to examine the officers of this corporation on their oaths, as to its financial condition, the extent of its financial liabilities, and ability to meet its obligations and engagements. Examination as to condition, etc

SEC. 6. *Be it further enacted*, That said corporation is hereby empowered to receive for safe keeping any valuables that may be entrusted to it, and receipt for the same by its president, cashier, or other officer, or officers, who may be appointed by the directors for that purpose, and may guarantee such deposits for such compensation as may be agreed upon between such corporation and depositor. Deposits of valuables

SEC. 7. *Be it further enacted*, That this corporation may purchase, erect or lease a building or premises containing a strong and commodious safety vault or safe containing a number of compartments or boxes, of such size and construction as shall be most secure and convenient for rent to persons or corporations as a place of safe keeping for valuables, and said corporation is empowered to rent out said boxes or compartments to person, persons or corporation, as shall jointly or severally desire to rent one or more of said boxes or compartments; this corporation is to receive such compensation for the rental thereof, and payable on such terms, as may be agreed upon, such rental to be for such period as shall be stipulated. Safety vaults, etc

SEC. 8. *Be it further enacted*, That said corporation may receive and hold in trust real and personal estate, including notes, bonds, obligations and accounts of the estate of individuals, companies, or corporations, private or public, and may in such fiduciary capacity purchase, collect, adjust, settle, sell and dispose of the same in this state or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, buy and sell bonds and stocks, negotiate loans and guarantee the payment of principal or interest, or both principal and interest, receive Fiduciary capacity

and collect rents and other moneys. It may be in issuing and countersigning certificates of stock, bonds and other obligations of any corporation or municipality, receive and manage any sinking fund therefor, and may accept and guarantee all such trusts of every description, not inconsistent with the laws of this state, that may be committed to it by any person or persons, or any corporation, or by any court of record in this or any other state upon such terms as may be agreed upon.

Debenture  
bonds

SEC. 9. *Be it further enacted*, That said corporation may and is hereby authorized to issue debenture bonds bearing not more than eight per cent. per annum, running for a term not exceeding twenty years, and to secure the same by a deposit of notes and bonds, due and payable to itself, secured by a first mortgage on real estate or otherwise, as may be set forth in such debenture bonds.

May act as  
agent of cor-  
porations,  
etc

SEC. 10. *Be it further enacted*, That this corporation may and is hereby authorized, to act as the agent of corporations, municipalities, states, firms and individuals, in organizing corporations, placing stocks, negotiating and placing bonds. It may also act as agent or trustee, for the stockholder or stockholders of such concerns; and to this end is empowered to receive in trust, transfers of real estate, of personal property, upon such terms and subject to such restrictions as shall be agreed upon, receiving such compensation or commission therefor as shall be agreed upon.

Insurance of  
titles, etc

SEC. 11. *Be it further enacted*, That this corporation may and is hereby authorized to make insurance of every kind pertaining to or connected with titles to real estate, and to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor.

May become  
sole surety,  
etc

SEC. 12. *Be it further enacted*, That this corporation may and is hereby authorized to become sole surety in any case where by law one or more sureties may be required for the faithful performance of any trust, office, duty, action or engagement; to act as security for the faithful performance of any contract entered into with any person, or municipal, or other corporation, or with any state or government, by any per-

son or persons, corporation or corporations; to become sole security for the faithful performance of the duties of any national, state, county or municipal officer, and to execute such bonds or recognizances as may be required by law in such cases; to become security for the faithful performance of the duties of any clerk or employee of any corporation, company, firm or individual; to become security upon any writ, or error, or appeal, or in any proceeding instituted in any court of this state in which security may be required; *Provided, however,* that nothing in this act shall be so construed as to dispense with the approval of any officer of any court who is by law required to approve such security.

SEC. 13. *Be it further enacted,* That said corporation may make and enter into such contracts and arrangements, and to do and perform all such matters and things as may be necessary or convenient, directly or remotely, to carry out the several purposes of this corporation as hereinbefore set forth and declared.

May do all things necessary to carry out powers

SEC. 14. *Be it further enacted,* That whenever this corporation shall desire to increase its capital stock it may do so as provided by the laws governing the increase of capital stock of corporations organized for banking business in this state; *Provided,* the amount of capital after such increase shall not exceed \$500,000.00, each share being of the par value of \$100.00.

Increase of capital stock

Approved February 18, 1891.

616]

AN ACT

[s. 133

To provide for paying the accounts of sheriffs against the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act all accounts of sheriffs against the state for feeding prisoners and the removal of prisoners from one jail to another, after the same should have been audited, shall be due and payable out of any money in the treasury of the state not specially appropriated for another purpose; *Provided,* that this act shall not apply to the re-

Accounts of sheriffs

removal of prisoners in cases where there is no jail in the county in which the offense is committed, or the jail therein insecure, to the jail of another county, and for returning to the jail of the county from which removed, or to court for trial.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 18, 1891.

617]

AN ACT

[s. 154

To amend 3216 of the Code.

Deposit with  
court of  
probate

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3216 of the code be and the same is hereby amended so as to read as follows: *3216. Order of Condemnation.*—The order of condemnation, upon the deposit with the court of probate of the sum ascertained and assessed by the jury, shall vest in the applicant the easement proposed to be acquired for the use and purposes stated in the application, but for no other uses and purposes.

Approved February 18, 1891.

618]

AN ACT

[s. 285

To incorporate the Anniston Banking and Loan Company of Anniston, Alabama.

Name, rights,  
etc

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That M. B. Wellborn, J. J. Willet, Archibald Henderson, B. F. Cassady and J. B. Goodwin of said state, their associates and successors, are hereby constituted a body politic under the name of the "Anniston Banking and Loan Company of Anniston" with perpetual succession, and with power under this name, to sue and be sued, and with all other powers enumerated below.



SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with the privilege of increasing the same at any time to five hundred thousand dollars, and the incorporators or a majority of them, are hereby authorized and empowered to open books of subscription to said paid stock, and to organize and to commence business when five hundred shares shall have been subscribed, or the sum of ten hundred (\$1,000) dollars paid in on said stock. The stock shall be paid for in monthly installments of two (\$2.00) for each share subscribed for, or in any other way as the directors may decide; *Provided*, that any stockholder shall have the right to pay the entire amount subscribed for, or any part thereof, in excess of his monthly installment, at two and one-half dollars per share at any time, and on such basis as shall be agreed on by the directors; *Provided further*, that said corporation shall not have the right to receive deposits as a bank till the sum of twenty-five thousand dollars of the capital stock shall have been paid in; *And provided further*, that unless twelve hundred and fifty dollars of its capital stock shall have been paid in before the expiration of three years from the passage of this bill this charter shall be void and of no effect.

SEC. 3. *Be it further enacted*, That at the first meeting of the stockholders, called by a majority of the corporators, a board of directors, not less than three nor more than eleven, as may be agreed on by said stockholders, shall be elected from among the stockholders, to hold office for the period of one year, and until their successors are elected and qualified; a majority of the number of directors agreed on shall constitute a quorum for the transaction of business. Said board of directors shall have power generally to manage the business of the corporation, elect and appoint all such officers as they may deem necessary, fix their compensation, fill vacancies occurring in their body, and do and perform such other things as shall be delegated to them by the by-laws of said corporation.

SEC. 4. *Be it further enacted*, That said company shall have the right to do a general banking business,

Banking  
business, etc

to receive deposits, to make loans and discounts, to loan its own or its depositors funds, to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others, to lend and invest money in or upon the security of and by way of mortgages, pledges, deeds or otherwise on or over any lands hereditaments or real property, or interest thereon, of any description, situate anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes or choses-in-action, or any and all negotiable or commercial paper, or crop or produce whatever, or any stock, bullion, merchandise or effects, and the same to sell or in anywise to dispose of, and to charge any rate of interest on all such loans that be agreed upon in writing not exceeding the rate allowed by law, and it may also make such loans for any length of time agreed on and charge interest for the whole time, and include the same in the note or notes, or other security given therefor, and collect the same by monthly, bi-monthly, semi-annual, or annual installments, or otherwise without any rebate of interest thereon, if the debtor or borrower will so agree; and in such cases the law applicable to loans made by building and loan associations are hereby made applicable.

Business of  
company

SEC. 5. *Be it further enacted*, That said company may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures, or other securities of any government, state, municipality, corporation, company, partnership, or person, and to hold, deal in, or to sell the same, or to distribute the same among the stockholders; to negotiate or place in behalf of the corporation, companies, partnerships or persons, all or any of them, shares, stocks, debentures, notes, mortgages or other securities with or without guarantys or collateral obligation by this company, and to sell or subscribe any of the property, real or personal, or any interests acquired therein by it or any other corporation for any portion of its bonds, securities obligations or capital stock as may be agreed upon without liability on such stock so purchased, or subscribed for beyond the agreed terms of said purchase or subscription.

SEC. 6. *Be it further enacted*, That said corporation may receive on deposit all sums of money which may be offered it, for the purpose of being invested in such sums, and at such times, and on such terms as the board of directors may agree upon, and which shall be repaid to such depositors at such times, with such interest not exceeding the lawful rate, and under such regulations as may be fixed by such board; and if money is deposited by any minor, either as an investment or otherwise, such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were of full age. May receive deposits, etc

SEC. 7. *Be it further enacted*, That said company at any time agreed on by the board of directors may issue (debenture) coupon bonds in denominations of not less than ten nor more than five thousand dollars, payable at any time fixed upon and drawing any rate of interest agreed upon not forbidden by the usury laws, and to secure the payment of the same may transfer to any person, natural or artificial, as trustee, all of its securities, property effects, property or franchises, or any part thereof, by way of mortgage, deed, pledge or otherwise. And said company may sell, loan, pledge, hypothecate or otherwise dispose of said debenture bonds by the use of agents or otherwise at any price and paying its agents any commission its board of directors may agree on for the purpose of obtaining money for use in its general business. May issue bonds

SEC. 8. *Be it further enacted*, That said company shall have the right to act as agent, factor or trustee for any state, county, town, municipality, corporation, company, or individual, on such terms as to agency and commission, as may be agreed on in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of on account of such state, county, town, municipality, corporation, company or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, &c., and generally for managing such business, and may charge such premiums, commissions or rate of May act as agent, etc

compensation as may be agreed upon in and for any of the matters and things authorized by this charter.

May except  
and execute  
trusts, etc

SEC. 9. *Be it further enacted*, That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, devise or bequest, and hold any real or personal estate, or trust created in accordance with the laws of this state, and then to execute the same on such terms as may be established and agreed upon by the board of directors, and said corporation is hereby fully authorized and empowered to act as trustees or assignees, and to receive on deposit all funds in litigation in the various courts of this state and pay therefor such interest as may be agreed upon, not exceeding the lawful rate; it shall have power and authority to receive for safe keeping or deposit all money, bonds, stocks diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

Officers

SEC. 10. *Be it further enacted*, That the officers of said company shall consist of a president, and as many vice-presidents as shall be agreed on, a cashier and as many assistant cashiers as shall be agreed on, and a general counselor, who shall be elected at such times and shall hold their respective offices for such terms as may be fixed by the by-laws, and until their successors are elected and qualified. The stockholders may in their discretion vest in the board of directors the power to make, alter and amend said by-laws. The by-laws shall fix the duties of the various officers, including the vice-president and assistant cashiers.

Transfer of  
stock

SEC. 11. *Be it further enacted*, That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by consent of the directors of said incorporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid

off and discharged ; and for all such indebtedness, said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

SEC. 12. *Be it further enacted*, That the stockholders of said company shall be individually liable to its creditors over and above the amount of unpaid subscriptions to an amount equal to the face value of his or her respective shares for its liabilities while he or she remains a stockholder in said company ; *Provided*, that no stockholder shall be liable over and above his or her unpaid subscriptions for a greater per centum of the debts or liabilities of the company than will be equal to the per centum which the face value of his or her stock will be to the subscribed capital stock of the company.

Liability of  
stockholder

Approved February 18, 1891.

619]

AN ACT

[s. 106

To regulate the issue of garnishments returnable before justices of the peace and the proceedings thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person desiring to sue out a garnishment returnable before a justice of the peace, in addition to the affidavit now required by law, shall make affidavit that the demand sought to be subjected by the garnishment is not owing for or on account of personal services rendered or to be rendered by the defendant, as a laborer or employee, or if it is owing for or on account of such services, that the amount thereof exceeds the sum of twenty-five dollars, or the defendant has in writing waived his right to claim the same as exempt ; and such additional affidavit may be made upon information and belief.

Garnishm't  
affidavit

SEC. 2. *Be it further enacted*, That any such garnishment issued without a compliance with the provisions of the preceding section in respect to such additional affidavit, shall be void ; and any judgment rendered thereon shall be void.

When gar-  
nishment,  
etc. void

When garnishment must be dismissed

SEC. 3. *Be it further enacted*, That if the answer of the garnishee should disclose that the demand sought to be subjected by the garnishment is owing for such personal services, and the amount thereof does not exceed the sum of twenty-five dollars, such garnishment shall be dismissed without waiting for a claim of exemption to be interposed, or for the appearance of, or motion by the defendant, and no judgment shall be rendered against the garnishee thereon unless such answer is contested on that point within three days after the filing of the answer, or unless the affidavit discloses that the defendant has in writing waived his right to claim the same as exempt, and if the answer is contested on such point, and such contest is not sustained, the garnishment must be dismissed.

When judgment cannot be rendered against garnishee

SEC. 4. *Be it further enacted*, That if the answer of the garnishee should disclose that the demand sought to be subjected is owing for such personal services, and the amount thereof exceeds the sum of twenty-five dollars, no judgment can be rendered against the garnishee except for the excess over and above said sum, unless such answer is within three days after the filing of the answer contested upon the point that the demand is not for such personal services, or the affidavit discloses that the defendant has waived in writing his right to claim the same as exempt; and if the answer is contested on such point, and the contest is not sustained, no judgment can be rendered, except for such excess.

Appeals

SEC. 5. *Be it further enacted*, That on appeal or certiorari taken by the defendant or garnishee from any judgment rendered by the justice of the peace on the answer of the garnishee contrary to the provisions of this act, the appellate court shall render such judgment as the justice of the peace should have rendered; and it shall be the duty of such appellate court to prefer such cases and proceed with the hearing thereof as speedily as possible.

Proceedings when excess over \$25.00 is claimed as exempt

SEC. 6. *Be it further enacted*, That if the defendant should claim any excess of such demand over and above the sum of twenty-five dollars as exempt, the garnishment must be dismissed unless the plaintiff



contest's such claim of exemption within three days after he or his attorney is served with notice in writing of such claim; and such notice may be given by the defendant or his attorney, or may be issued by the justice on demand of defendant, and served by the proper officer. And if such claim is contested the contest must be tried within three days after the defendant has been served with written notice thereof, unless for good cause shown, further time should be allowed. In making such claim of exemption, the defendant is not required to file a schedule of his other personal property.

SEC. 7. *Be it further enacted*, That when the answer of the garnishee is contested, and such contest is not sustained, a fee of five dollars shall be taxed against the plaintiff in favor of the garnishee as a part of the costs; and when any claim of exemption is contested, and such contest is not sustained, a fee of five dollars shall be taxed against the plaintiff in favor of the defendant as part of the costs. Fee when contest is not sustained

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed; *Provided*, that the provisions of this act shall only apply to the county of Jefferson. Laws in conflict repealed

Approved February 18, 1891.

# JOINT RESOLUTIONS.

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No. 1.]

## JOINT RESOLUTIONS.

*Whereas*, Senate bill No. 184, "To regulate the payment of interest due by the state in New York," passed the senate, and has been favorably reported by the ways and means committee of the house, but not having been read can not now be passed in time to regulate the payment of interest falling due in January; and

*Whereas*, The passage of the bill will save the state two hundred and fifty-one dollars of useless express charges, besides obviating the risk which the state assumes when it does not effect "special insurance," for which an additional charge is made; therefore,

*Resolved by the house, the senate concurring*, That the governor and treasurer be authorized, in paying the January interest in New York, to follow the mode prescribed in said bill "to regulate the payment of interest due by the state in New York."

Approved December 22, 1890.

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2]

## JOINT RESOLUTION

Authorizing the joint committee on the judicial circuits and chancery divisions to sit during the recess.

*Resolved by the senate, the house concurring*, That the joint committee to revise the judicial circuits and chancery divisions are authorized to sit not exceeding five days during the recess, for the purpose of considering the matters referred to said committee; but no mileage shall be paid said committee under this resolution.

Approved January 24, 1891.

3]

## JOINT RESOLUTION

To re-district the congressional districts of the state.

*Be it resolved by the senate, the house of representatives concurring,* That a joint committee of fifteen, five from the senate and ten from the house of representatives, one of the latter to be appointed from each of the congressional districts of the state, and two from the state at large, be appointed to re-district the state into nine (9) congressional districts, according to the United States census taken in 1890, the said redistricting to be made as nearly as may be equal in population in each of said congressional districts.

Approved January 24, 1891.

4]

## JOINT RESOLUTION

In regard to the bill now pending in the Congress of the United States, commonly known as the "Force Bill."

*Whereas,* There is now pending in the Senate of the United States a bill for the government of congressional elections in the several states, commonly known as the "Force Bill," which takes from the officers of the states all real authority over said elections, and vests the same in agents of the federal government; and

*Whereas,* The constitution requires that the members of congress shall be chosen by the people of the several states; and

*Whereas,* Under the provisions of the said force bill the inestimable privilege of choosing their own representatives will, in fact, be taken from the people, and the highest prerogative of a free people will thereby be usurped; and

*Whereas,* No lover of his country can look without apprehension upon the threat to the existence of liberty and free institutions, which is the natural result of such acts of the national legislature; now, therefore,

*Be it resolved by the senate of Alabama, the house of representatives concurring,* That we most emphatically deny that any cause or reason exists in this state for the enactment of any such law, but that every citizen thereof enjoys the full right to cast his ballot as he pleases, without fear of molestation from any one whatsoever.

*Be it further resolved,* That the laws of Alabama have never failed to afford ample protection to her citizens in all their rights and privileges.

*Be it further resolved,* That we look upon the passage of any such laws as a menace to civil liberty and republican government.

*Be it further resolved,* That in the name of the people whom we represent we respectfully protest against the passage of any such laws by the Congress of the United States.

*Be it further resolved,* That a copy of these joint resolutions be sent to the speaker of the house and the president of the senate of the United States Congress and to each of our representatives and senators.

Approved January 26, 1891.

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No. 5.

JOINT RESOLUTION.

*Be it resolved by the General Assembly of Alabama,* That our thanks be, and they are hereby tendered to the general assembly of Illinois for its refusal to table or refer the joint resolution on yesterday, expressing condemnation of the so-called "force bill" now pending in our national congress.

*Resolved further,* That it is the pride of all true Americans to point to the city of Chicago as one of the great wonders and marvels of American growth, which would be largely increased by the success of the Columbian Exposition; yet while acknowledging all this, the general assembly of Alabama could entertain no proposition to take part in said exposition so long as the force bill is being pressed in the congress of the United States.

*Resolved further*, That our thanks are hereby tendered to all our members in congress for their opposition to a measure which we regard as detrimental to American liberty, and we ask the conservative and business men of the north to use their influence to secure the defeat of the so-called "force" or "election" bill, which is partisan in its nature, unprecedented in American politics, and inexcusable for want or lack of necessity.

*Resolved further*, That His Excellency, the Governor of the State of Alabama, is hereby requested to forward, forthwith, copies of this resolution to both the speaker and president of the two houses of the general assembly of Illinois, and a copy to be sent to each of our distinguished federal senators.

Approved January 29, 1891.

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No. 6. JOINT RESOLUTION.

*Whereas*, Major A. N. Damrell, of the United States corps of engineers, has made a favorable report on his survey of the Sipsey river, from Vienna, on the Tombigbee river, which is at the mouth of the Sipsey river, to the Kansas City railway, in Fayette county, a distance of one hundred and forty-five miles, reciting that "with an improved river there would be a saving in freight on cotton and plantation supplies of not less than fifteen thousand dollars (\$15,000) per year, and there would soon be a large coal trade developed:"

*Be it therefore resolved, by the General Assembly of Alabama*, That our senators and representatives in congress are hereby requested to use their earnest endeavors to secure such appropriations for the improvement of the Sipsey river as will open up uninterrupted water transportation from the great Warrior coal fields to Mobile, the seaport of our state, thus accomplishing a work of incalculable value to the State of Alabama, and also to the commerce of the United States.

Approved February 6, 1891.

No. 7.

## JOINT RESOLUTION.

Authorizing the governor to issue certain bonds to the South and North Alabama Railroad Company.

*Resolved by the senate, the house concurring,* That in the opinion of the general assembly, it is the governor's duty, as *ex officio* debt commissioner, to issue the "Class B" bonds, as provided in the debt settlement act, to close up the account with the South and North Alabama Railroad company, the details of which are more fully stated in special message to the general assembly on the 31st January.

Approved February 7, 1891.

No. 8.

## JOINT RESOLUTION.

*Resolved by the senate, the house concurring,* That Saffold Berney be permitted, with the consent of the governor and the state geologist, to have printed from the engraved plate, prepared for the geological survey, as many copies of the map of the state as may be needed to go with his handbook descriptive of the resources of the state; *Provided*, that no expense shall fall upon the state in consequence of this permission.

Approved February 12, 1891.

No. 9.

## JOINT RESOLUTION.

To authorize the destruction, by burning, of the redeemed Alabama six per cent. bonds, and to require a proper certificate of their destruction.

*Resolved by the senate, the house concurring,* That it shall be the duty of the governor, auditor and treasurer, or any two of them, to destroy, as soon as practicable, by burning, all of the six per cent. Alabama bonds now on file in the treasurer's office which have been redeemed, cancelled and recorded as provided by act of



the general assembly, approved February 22, 1887, and to make certificate of such destruction to be filed in the treasurer's office; and also to destroy in like manner, and certify in like manner, the outstanding six per cent bonds which may hereafter be redeemed, cancelled and recorded as aforesaid.

Approved February 13, 1891.

## 10

## JOINT RESOLUTION

Of the General Assembly of the State of Alabama.

*Whereas*, The bulletins of the tenth census for the State of Alabama show the following, among other gratifying results, which is herewith presented as a reason justifying this memorial, and to which especial reference is herewith made:

*First*, That, as an iron producing state, Alabama has advanced from rank of *tenth* in 1880, with a total output of 62,336 tons of pig-iron, to *third* place in 1890, with an output of 890,432 tons, an increase of more than 1328 per cent. and producing in the census year one-half of all the pig iron made in the south.

*Second*, That for the year 1880, the total output of coal for the state was 340,000 tons; while for the census year of 1890, the output for the Warrior coal field alone was 2,903,350 tons.

*Third*, That during the decade just closed, there has been a decrease of the bonded and floating indebtedness of the state and a decrease of indebtedness by counties of *eighteen per cent.* paid out of "resources not needed for current expenses."

*Fourth*, That the increase of acreage under cultivation, population, material progress and development of the state has kept pace with all its other industries; and

*Whereas*, The ocean going business of Alabama, is confined to Mobile, its one port of entry, connected with the lower anchorage grounds of the bay of Mobile by a government channel, about 30 miles in length, barely accessible to vessels drawing 17 feet of water,

therefore unavailable for present commercial demands as will be shown by reference to the memorial of the joint river and harbor convention of December, 1889, on file with the committee of the H. R., which sets out that "*twenty-eight* per cent. of the cotton crop of the south is tributary to the port of Mobile, of which less than *three* per cent. actually reaches this port; while of coal, holding the greatest deposit of any of the southern states, all tributary to the bay of Mobile, and with the great and growing export demand, not a cargo is sent out, because it cannot stand the loss and shrinkage by lightering and rehandling. The south Atlantic and gulf ports occupy a very favorable position towards the new and important commerce which the reciprocity clause of the tariff act, and the postal shipping bill are designed to promote." "The steamship carrying the mails steadily and frequently, and speedy transit is the first condition of trade." These words which the president of the United States put into his message to congress, December 1st, 1890, and the passage of the act referred to, promote no business of the state, confer no benefits; and while the bay of Mobile is more centrally situated towards the south Atlantic, and gulf ports, than any other on the gulf coast, yet, no legislation covering ocean-going traffic can benefit the state, until the steamship carrying the mails steadily and frequently," can reach docks affording a quick interchange of traffic; and

*Whereas*, Bills have repeatedly been introduced in the Congress of the United States asking for appropriations to deepen the channel to the port of Mobile sufficient to meet commercial necessities, and for want of which the business of the state is now suffering great loss; and

*Whereas*, The legislature of the State of Alabama did pass an act entitled "An act to incorporate the Gulf and Chicago Railway Company, and to further construction of the same," approved February 27th, 1889, which said act embraced among its powers and privileges authority to establish and maintain, in connection with its line of railway, the necessary tramways, tracks, roadbeds, bridges and trestles, from its present terminus at Cedar Point to Dauphin Island, "and to

construct, purchase or lease, and own and operate, lines of steamships, steamboats, or other vessels or watercraft, within or without this state, or the United States, in connection with their railroad, for the purpose of transporting coal, iron and other products to the markets of the world"; and

*Whereas*, The lower anchorage grounds of the Bay of Mobile have a natural depth of water varying from 23 to 40 ft., and with improvements contemplated under this act, will afford safe anchorage for all vessels loading, or unloading, at the docks and piers of the railway company, and offer a medium of quick exchange of merchandise, and thus able in part to accommodate the traffic of the state, which is now compelled to seek other outlets, to the great injury of its commerce, and at most irreparable loss to its business industries.

*Therefore*, Your memorialists, ever mindful of the requirements of our people, the necessities and best interest of our state, and desiring continuation of the prosperity shown by the *tenth* census, and despairing of obtaining from the general government sufficient appropriations to deepen the channel from the lower anchorage grounds of the Bay of Mobile to the city port of Mobile, so as to save and preserve to the state the commerce naturally and legitimately belonging to it; be it

*Resolved*, That for reasons herein briefly set out, the members of the legislature of the State of Alabama, having before them H. R. Bill No. 12,877, 2nd session, 51st congress, entitled A bill "to confirm to the Gulf and Chicago Railway Company certain rights and so forth," now pending, join in the petition praying the passage of said bill, to the end that private enterprise may, in part, be able to furnish such increased facilities as are now demanded, and are an absolute necessity to the commerce of the state.

*Resolved*, That better terminal facilities are deemed requisite and necessary to the continued prosperity of the state, and as the present government channel is inadequate to meet requirements, the improvement of the lower anchorage grounds of the Bay of Mobile has, therefore, become a commercial necessity, and presents the only means of furnishing uninterrupted navi-

gation, and able to meet all requirements of reciprocal interchange with the Gulf and South Atlantic ports.

Approved February 13, 1891.

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## JOINT RESOLUTION

To authorize the treasurer to use the fees paid into the treasury for exchange of registered bonds to provide new blank bonds.

*Whereas*, The general assembly made no appropriation for the payment of expenses of blanks for the issuance of registered bonds and the exchange of the same, the appropriation heretofore made being exhausted; and

*Whereas*, Under the regulation of the treasurer, with the approval of the governor, a fee of fifty cents has been required upon the exchange and registration of each bond, and under this regulation the sum of one hundred and seventy-five and 50-100 dollars (\$175.50), has been received from this source and paid into the treasury.

*Resolved by the senate, the house concurring*, That the treasurer is hereby authorized to expend the above named amount of money and also that which may hereafter, from time to time, come into the treasury from such source, or so much thereof as may be necessary, in the purchase of such blanks as are needed for the registration and exchange of bonds in the future.

Approved February 18, 1891.

OFFICE OF SECRETARY OF STATE,

MONTGOMERY, ALA., April 13, 1891.

I hereby certify that the foregoing Acts and Joint Resolutions  
are correct copies of the original rolls now on file in my office.

J. D. BARRON,

*Secretary of State.*

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# OFFICERS AND MEMBERS OF THE SENATE.

## OFFICERS :

ANDREW C. HARGROVE, President.  
 WM. L. CLAY, Secretary.  
 THOMAS H. CLARK, Assistant Secretary.  
 MISS JEM WEAKLEY, Enrolling and Engrossing Clerk.  
 JAMES ARMSTRONG, Doorkeeper.  
 L. P. BAMBURG, Assistant Doorkeeper.  
 WALKER OWEN, Page.  
 OSCAR HAYES, Page.

## SENATORS :

	POSTOFFICE.
1st District—Wm. N. Hayes.....	Mooresville
2nd District—W. W. Nesmith.....	Concord
3rd District—W. E. Skeggs.....	Somerville
4th District—O. R. Hundley.....	Huntsville
5th District—Wm. W. Haralson.....	Fort Payne
6th District—John W. Inzer.....	Ashville
7th District—L. W. Grant.....	Jacksonville
8th District—W. M. Lackey.....	Ashland
9th District—Wm. A. Handley.....	Birmingham
10th District—E. H. Berry.....	Dadeville
11th District—A. C. Hargrove.....	Tuskaloosa
12th District—R. L. Bradley.....	Vernon
13th District—John T. Milner.....	Newcastle
14th District—M. L. Stansel.....	Carrollton
15th District—John H. Parker.....	Rockford
16th District—Mac A. Smith.....	Prattville
17th District—Nicholas Stallworth.....	Evergreen
18th District—W. T. Downey.....	Scott's Station
19th District—J. R. Cowan.....	Cunningham
20th District—John H. Minge.....	Faunsdale
21st District—Daniel Williams.....	Stockton
22nd District—Sol D. Bloch.....	Camden
23rd District—Wm. C. Steagall.....	Clopton
24th District—Judson Davie.....	Cowikee
25th District—Isaac H. Parks.....	Rutledge
26th District—J. H. Reynolds.....	Mt. Hilliard
27th District—John T. Harris.....	Opelika
28th District—A. A. Wiley.....	Montgomery
29th District—James F. Waddell.....	Seale
30th District—J. C. Compton.....	Selma
31st District—L. D. Godfrey.....	Gainesville
32nd District—Norfleet Harris.....	Greensboro
33rd District—Daniel Smith.....	Mobile

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 BENJ. F. ELMORE, Clerk,  
 A. H. CARMICHAEL, Assistant Clerk.  
 CHAS. W. KING, Enrolling Clerk.  
 MASSEY WILSON, Engrossing Clerk.  
 ROBERT HASSON, Doorkeeper.  
 THOS. J. FAIN, Assistant Doorkeeper.  
 P. W. THORNTON, Assistant Doorkeeper of the Gallery.  
 CROWELL BROADNAX, Messenger.  
 J. H. CONLEY, Page.  
 ARTHUR W. WADE, Page.  
 MICHELL SCREWS, Page.

COUNTY.	REPRESENTATIVES.	POSTOFFICE.
Autauga—	P. A. Wood	Mulberry
Baldwin—	Richard A. Moore	Daphne
Barbour—	Henry D. Clayton	Eufaula
	—A. E. Crews	Clayton
	—C. C. Lee	Clayton
Bibb—	S. M. Adams	Randolph
Blount—	T. H. Davidson	Village Spring
Bullock—	N. B. Powell	Union Springs
	—W. C. Hufham	Fitzpatrick
Butler—	L. J. Harrell	Greenville
Calhoun—	W. P. Cooper	Alexandria
Chambers—	J. H. Harris	LaFayette
	—Gibson Whatley	LaFayette
Cherokee—	M. A. Cornelius	Maple Grove
Chilton—	G. A. Northington	Verbena
Choctaw—	J. B. Watters	Mt. Sterling
Clarke—	J. W. Armistead	Marvin
Clay—	T. H. Howle	Delta
Cleburne—	W. U. Almon	Heflin
Coffee—	J. B. Peacock	Damascus
Colbert—	C. C. Rather	Tusculumbia

Conecuh—R. A. Lee	Evergreen
Coosa—R. S. Nolen	Nixburg
Covington—J. P. Rousseau	Rose Hill
Crenshaw—M. Tucker	Luverne
Cullman—W. H. Guthrie	Cullman
Dale—C. A. B. Edwards	Crittenden's Mill
Dallas—F. M. Pettus	Selma
—W. W. Quarles	Selma
—J. Craig Smith	Selma
—Lewis Johnson	Orrville
DeKalb—J. B. Appleton	Collinsville
Elmore—G. H. Parker	Eclectic
Escambia—E. P. Loveless	Brewton
Etowah—G. B. Wade	Aurora
Fayette—John M. Davis	Fayette C. H.
Franklin—B. E. Finch	Pleasant Site
Geneva—J. C. Coleman	Geneva
Greene—H. M. Judge	Eutaw
—Wm. Smaw	Eutaw
Hale—A. M. Avery	Havana
—T. K. Jones	Greensboro
Henry—George Leslie	Gordon
Jackson—W. H. Clanton	Scottsboro
—T. B. Parks	Scottsboro
Jefferson—H. H. Brown	Birmingham
—M. V. Henry	Birmingham
Lamar—M. L. Davis	Detroit
Lawrence—G. W. Thrasher	Moulton
—John Leigh	Moulton
Lee—W. M. Bass	Benlah
—E. C. Jackson	Auburn
Lauderdale—O. P. Tucker	Waterloo
—T. O. Bevis	Rhodesville
Limestone—H. D. Lane	Athens
—J. B. Townsend	Elkmont
Lowndes—W. Brewer	Hayneville
—J. D. Poole	Bragg's Store
Macon—J. R. Simmons	Cross Keys
Madison—R. T. Blackwell	Maysville
—W. A. Bishop	Madison
—S. H. Moore	Huntsville
Marengo—D. J. Meador	Myrtleville
—J. A. Steele	McKinley
Marion—J. T. Young	Bull Mountain

Marshall—W. N. Bain	Meltonville
Mobile—W. S. Lewis	Mobile
—M. B. Kelly	Mobile
—E. H. Buck	Chinchula
—G. J. Sullivan	Mobile
Monroe—W. B. Kemp	Monroeville
Montgomery—B. H. Screws	Montgomery
—A. D. Sayre	Montgomery
—W. W. Hill	Montgomery
J. N. Gilchrist	Hope Hull
Morgan—S. A. Sparkman	Decatur
Perry—G. P. White	Uniontown
—W. B. Alexander	Felix
Pickens—J. A. Gass	Benevola
—J. W. Cox	Carrollton
Pike—W. H. Barnett	Indian Branch
—A. C. Townsend	China Grove
Randolph—W. L. Ayres	Wedowee
Russell—J. G. Smith	Seale
—S. S. Scott	Seale
Shelby—A. P. Longshore	Columbiana
St. Clair—W. S. Forman	Springville
Sumter—S. C. M. Amason	Livingston
—J. R. Ramsay	Sumterville
Talladega—W. T. Webb	Alpine
—J. H. Wilson	Jenifer
Tallapoosa—J. M. Amason	Alexander City
—E. B. Langley	Camp Hill
Tuskaloosa—N. N. Clements	Tuskaloosa
—J. W. Foster	Tuskaloosa
Washington—John Gordon	Healing Spring
Walker—Thomas L. Long	Jasper
Wilcox—John Purifoy	Furman
—W. T. Burford	Camden
Winston—W. W. Davis	Houston



## INTEREST LAWS IN THE UNITED STATES.

STATES AND TERRITORIES.	INTEREST LAWS		PENALTIES FOR USURY
	Legal Rate	Rate Al- lowed by Contract.	
	<i>per ct.</i>	<i>per ct.</i>	
Alabama.....	8	8	Forfeiture of entire interest.
Arkansas.....	6	10	Forfeiture of principal and interest.
Arizona.....	7	Any rate.	None.
California.....	7	Any rate.	None.
Colorado.....	8	Any rate.	None.
Connecticut.....	6	†	None.
Delaware.....	6	6	Forfeiture of principal.
District of Columbia.	6	10	Forfeiture of entire interest.
Florida.....	8	Any rate.	None.
Georgia.....	7	8	Forfeiture of excess.
Idaho.....	10	18	Forfeiture of 3 times excess of interest.
Illinois.....	6	8	Forfeiture of entire interest.
Indiana.....	6	8	Forfeiture of excess of interest.
Iowa.....	6	8	Forfeiture of 10% per annum on am't.
Kansas.....	6	10	Forfeiture of excess of interest.
Kentucky.....	6	8	Forfeiture of excess over 10%.
Louisiana.....	5	8	Forfeiture of entire interest.
Maine.....	6	Any rate.	None.
Maryland.....	6	6	Forfeiture of excess of interest.
Massachusetts.....	6	Any rate.	None.
Michigan.....	7	10	Forfeiture of excess of interest.
Minnesota.....	7	10	Forfeiture of excess over 10%.
Mississippi.....	6	10	Forfeiture of excess of interest.
Missouri.....	6	10	Forfeiture of entire interest.
Montana.....	10	Any rate.	None.
Nebraska.....	7	10	Forfeiture of interest and cost.
Nevada.....	7	Any rate.	None.
New Hampshire.....	6	6	Forfeiture of thrice the excess.
New Jersey.....	6	6	Forfeiture of entire interest.
New Mexico.....	6	12	None.
New York.....	6	6*	Forfeiture of principal and interest.
North Carolina.....	6	8	Forfeiture of entire interest.
North Dakota.....	7	10	Forfeiture of excess.
Ohio.....	6	8	Forfeiture of excess above 6%.
Oregon.....	8	10	Forfeiture of principal and interest.
Pennsylvania.....	6	6	Forfeiture of excess or interest.
Rhode Island.....	6	Any rate	None.
South Carolina.....	7	8	None.
South Dakota.....	7	12	Forfeiture of excess.
Tennessee.....	6	6	Forfeiture excess of int. and \$100 fine.
Texas.....	8	12	Forfeiture of entire interest.
Utah.....	10	Any rate.	None.
Vermont.....	6	6	Forfeiture of excess of interest.
Virginia.....	6	8	Forfeiture of excess over 6%.
Washington.....	10	Any rate.	None.
West Virginia.....	6	†	Forfeiture of excess of interest.
Wisconsin.....	7	10	Forfeiture of entire interest.
Wyoming.....	12	Any rate	None.

\*New York has by a recent law legalized any rate of interest on call loans of \$5,000 or upward, on collateral security. †No usury, but over 6 per cent. cannot be collected by law.

## LEGAL WEIGHTS.

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[Act on page 1353.]

	Pounds per bushel.
Apples, dried.....	24
Barley.....	47
Beans.....	60
Corn, in the ear.....	70
“ “ shuck.....	75
“ shelled.....	56
Meal.....	46
“ unbolted.....	48
Oats.....	32
Peaches, dried, peeled.....	38
“ “ unpeeled.....	33
Peas.....	60
Potatoes, Irish.....	60
“ sweet.....	55
Rye.....	56
Turnips.....	55
Wheat.....	60

## ERRATA.

Page 492, second line from bottom should be "*same*" is hereby repealed.

Page 576, second line of section 8, the word levy should be "*buy*."

Page 852, ninth line from bottom of page "*privileges*" should be "*findings*."

Page 1280, twelfth line from end of act insert "*act*," between "*this*" and "*jurisdiction*."

Page 1487, in Index—First under head, MONTGOMERY, CITY OF—should be,  
"authority to issue bonds for school purposes, funding market house bonds, and for paving streets....151"